

CITY OF WORCESTER



**PART TWO, ORGANIZATION OF CITY AGENCIES OF
THE REVISED ORDINANCES OF 2008**

as amended thru August 9, 2011

Article 1. Executive Office of the City Manager

**(Entire text of Article 1 was deleted and a new Article 1 was inserted
May 19, 2009 - 9310)**

- § 1. Establishment
 - § 2. Function
 - § 3. Head of the Executive Office
 - § 4. Authorized Positions
 - § 5. Organization of the Office
 - § 6. Executive Office Division
 - § 7. Elder Affairs Commission - Elder Affairs Office
 - § 8. Board of Library Directors - Public Library Division
 - § 9. Board of Health - Public Health Division
 - § 10. Human Services Division
 - § 11. Organization of Offices Within the Division of Human Services
 - § 12. Disability Commission - Disability Office
 - § 13. Human Rights Commission - Human Rights Office
 - § 14. Transitional Housing Services Office
 - § 15. Veterans' Services Office
 - § 16. Early Scholarship Committee
 - § 17. Homelessness Commission
 - § 18. Status of Women Committee
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§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the "Executive Office of the City Manager" ("executive office").

§ 2. Function

It shall be the function of the executive office:

(a) to assist the city manager in the exercise of the authority and responsibilities vested in the city manager by the city charter, the city council or any other source of law by providing an organizational, budgetary and administrative unit for the personnel assigned as the immediate staff of the city manager, for the property, real and personal placed under the care, custody and control of the city manager and for the appropriations made to fund the operations of the office of city manager as well as such other activities, personnel, property and appropriations not specifically assigned to another city agency, department or division; and,

(b) to improve the human spirit and condition of all residents of the city by promoting the public health, providing for the elderly and veterans, advancing human rights and the equality of women and the disabled and supporting the operation of the public library.

§ 3. Head of the Executive Office

(a) *Executive Office Head.* The executive office shall be headed by the city manager (“city manager”). The city manager may assign, in whole or in part, any of the duties and responsibilities of the executive office to such other person in the service of the executive office as the city manager so chooses and any such person so selected shall perform such duties and responsibilities at the pleasure of the city manager.

(b) *Duties & Responsibilities.* The head of the executive office shall be responsible for the performance of the functions of the office and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the office;
- (2) supervise the personnel in the office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the office and provide the city manager with information developed by the office which would have a material impact on the financial condition of the city;
- (4) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service within the office;
- (5) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (6) perform such other tasks and functions as may be requested by the city manager;
- (7) ensure that all actions of the office are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America;
- (8) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the office by the city manager and the city council;
- (9) determine the priorities of the office and to prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;

- (10) prepare, monitor and manage the budget for the office, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager; and,
- (11) prepare, implement, evaluate and improve office operations, programs and projects in accordance with the goals and objectives established for the office by the city manager.

(c) *Management of Multiple Divisions.* The city manager may assign the responsibilities of any two or more divisions or offices within the executive office of the city manager to one individual in the service of the executive office.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The office shall consist of the city manager and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the executive office, except that of the head librarian, shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

(c) *Contractual Services.* The city manager may from time to time and in accordance with the procedures and limitations of any law, including any contract to which the city is a party, enter into agreements, memoranda of understanding or contracts with any entity he or she deems appropriate to implement any policy or perform any function of the city or any department, division, bureau, official or agency described in this part two of these revised ordinances; provided, however, that no such agreement, memoranda of understanding or contract may transfer any discretionary function or otherwise purport to delegate any public policy authority which is by law placed under the lawful responsibility of the city manager or any city officer, employee, board, commission or agency under his or her jurisdiction to any such entity.

§ 5. Organization of the Office *

(a) *Establishment of Divisions.* The executive office shall be organized into the following divisions for the following purposes:

Executive Office Division - to assist the city manager in the performance of the functions of the executive office as described in this article and by law;

Elder Affairs Division – to enhance the quality of life for elders in Worcester by identifying needs, developing and implementing programs and services to meet

those needs, advocating on behalf of elders and operating a focal point senior center within the city;

Public Library Division – to provide library services for the residents of Worcester;

Public Health Division – to preserve, promote and protect the physical and mental health of the people of the city by providing public health services for the city of Worcester;

Human Services Division - to provide for the efficient administration and management of the offices, agencies, boards and commission of the city involving the equality of women and the disabled, human rights, veterans, scholarship and transitional housing. The human services division shall consist of the following offices:

Disability Office – to bring about full and equal participation in all aspects of life in the city for all people with disabilities;

Human Rights Office – to assure that every individual shall have equal access to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city;

Scholarships Office – to select the recipients of various scholarship funds and trusts held by the city, including the Thomas J. Early Scholarship Fund;

Status of Women Committee Office – to formulate, encourage, promote and monitor programs and policies relating to the status of women in the city; and,

Veterans' Services Office – to provide services to veterans.

***Amended August 9, 2011 – 9654**

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division of the executive office, the head of each division (except for the head librarian as regards items (6) and (9) below) shall also have the duty and responsibility to:

- (1) assist the head of the executive office in the performance of the duties and responsibilities of the office and perform such other duties as may be assigned or requested by the head of the executive office or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the head of the executive office;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level authorized by the assistant city manager up to and including suspensions for no more than five working days;

- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (5) keep the head of the executive office informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
- (6) recommend to the head of the executive office implementing the rules, policies and practices governing the operations of the office as are approved by the head of the executive office;
- (7) prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the head of the executive office;
- (8) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the head of the executive office;
- (9) make recommendations to the head of the executive office on changing or initiating any policy, operation, program or service to the public;
- (10) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the head of the executive office; and,
- (11) maintain any property assigned to the division by the head of the executive office.

§ 6. Executive Office Division

(a) *Division Head.* The executive office division shall be headed by the city manager, or such other person and he or she shall designate from time to time as the head of the executive office division or assign the duties of this division under section 3(a) of this article.

(b) *Duties & Responsibilities.* The executive office division head shall have the following authority and responsibilities:

- (1) management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the executive office, including, without limitation:
 - (A) to act as the legislative liaison of the city by preparing the annual legislative agenda of the city and monitoring the progress of legislation approved by the city council;
 - (B) to develop and administer the marketing program of the city and to promote Worcester as a place for conventions, tourism and travel; to administer the “Destination Worcester” marketing program and such other programs concerning the marketing of the city of Worcester to meeting and convention planners, event and sports organizers and tourists and visitors;

- (C) to assign any employee otherwise under the jurisdiction of the city manager to the interim management and operation of any agency of the city under the jurisdiction of the city manager.
- (2) supervision of the personnel in the executive office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level including suspensions and removals;
- (3) care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the executive office by the city manager and the city council;
- (4) management of the budget for the executive office, which shall include ordinary maintenance, salary and capital expenditures; and,
- (5) all such other authority as may be necessary and proper in the performance of the duties and responsibilities vested in the city manager by the city charter, the city council or any other source of law or as may be inherent in the exercise of the power, rights and duties, other than legislative, commonly associated with municipal chief executive or administrative officers.

(c) *Duties & Responsibilities of Personnel Assigned to the Executive Office.* In order to respond to the needs of the city and the demands of the office of city manager, the city manager may assign duties and responsibilities to the personnel assigned to the executive office, regardless of division, as the city manager deems in the best interests of the city and the individuals assigned to any position in the office shall perform such tasks and functions as may be requested by the city manager. Unless otherwise directed by the city manager, individuals assigned to the executive office shall also have the duty and responsibility to:

- (1) assist the city manager in the performance of the duties and responsibilities of the office of city manager;
- (2) manage the budget for any programs or operations placed under their responsibility by the city manager in accordance with the policies and requirements of the city manager, chief financial officer and the city auditor;
- (3) supervise the personnel assigned to them by assigning tasks and establishing work priorities, deadlines and work schedules for such employees; evaluating the performance of such employees in the office, recommending promotions, honors and discipline when so warranted;
- (4) administer the implementation of contracts concerning matters under the responsibility of the office and payable from funds appropriated to the office;
- (5) keep the city manager informed of all their activities, operations, programs, services, personnel, expenditures and receipts;
- (6) ensure that all their actions are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive

- orders and policies (including the financial procedures established by the city auditor) and the directives of the city manager;
- (7) make recommendations to the city manager on changing or initiating any policy, operation, program or service to the public;
- (8) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager; and,
- (9) maintain any personal property assigned to them by the city manager.

§ 7. Elder Affairs Commission - Elder Affairs Division

(a) *Establishment of Commission on Elder Affairs.* Under authority of the General Laws, chapter forty, section eight B, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Commission on Elder Affairs” (“commission”).

(b) *Membership on the Commission on Elder Affairs.* The commission shall consist of fifteen members appointed by the city manager for terms of three years. The terms shall be staggered such that five terms shall expire on October thirty-first of each year.

(c) *Membership on the Senior Center Committee.* The city manager shall designate five members of the commission to serve as a standing committee of the commission and known as the “senior center committee”.

(d) *Appointment of Chairs.* The city manager may, from time to time, designate one member of the commission as the chair of the commission and one member of the senior center committee of the commission as the chair of the senior center committee.

(e) *Duties & Responsibilities of the Commission on Elder Affairs.* The commission shall:

- (1) have general superintendence of the senior center;
- (2) make and enforce such rules and regulations as may be necessary or desirable for the efficient operation of the senior center; provided, that no such rule or regulation shall be voted upon by the commission unless it has first received a recommendation of the senior center committee as to the advisability of any rule or regulation;
- (3) establish standing or ad hoc committees for the conduct of its affairs; and,
- (4) may adopt rules of procedure for the operation of the commission and any committees so formed.

(f) *Duties & Responsibilities of the Senior Center Committee.* The senior center committee shall:

- (1) address all matters concerning the management and operation of the senior center; and,
- (2) make reports and recommendations to the commission on all items it considers. No recommendation of the senior center committee shall be

deemed adopted unless and until it is approved by majority vote of the commission.

(g) *Division Head.* The director of elder affairs shall head the elder affairs division and shall have the assistance of such other personnel as shall be assigned by the city manager.

(h) *Duties & Responsibilities.* The director of elder affairs shall:

- (1) administer the affairs of the commission on elder affairs and the senior center committee of the commission on elder affairs;
- (2) administer the programs and activities of the division;
- (3) collect facts and statistics and to conduct special studies affecting the health and welfare of the elderly population of the city;
- (4) encourage the development of programs for the elderly in Worcester;
- (5) identify the needs of the community's older population;
- (6) educate and to enlist the support of the community on the needs of the elderly;
- (7) promote the coordination of programs designed for the elderly in Worcester;
- (8) advise the public agencies of the city on matters affecting the elderly;
- (9) prepare reports to the commission and the city manager on state and federal legislation concerning the elderly, including but not limited to state and federal funds and programs available to the elderly;
- (10) cooperate with the executive office of elder affairs of the commonwealth;
- (11) manage and operate a senior center facility, which shall be the land and buildings acquired by the city of Worcester and located on Providence Street between Winthrop Street and Spurr Street ("senior center");
- (12) encourage and assure within the senior center the maximum level of coordination, collaboration and co-location of individuals and organizations, public and private, engaged in the delivery of services, programs and activities of interest to elders, such as: health insurance, caregiver, benefit and employment counseling services; medical and screening clinics; information and referral services on the issues of health, housing, transportation, education, legal assistance, consumer protection, public safety and support groups; on-site and delivered meals and emergency food distribution; literacy, citizenship and English-as-a-second-language instruction; vocational, cultural and computer programs; senior outreach; senior travel; recreational and wellness programs; dances; gardening; story telling; concerts and entertainment; transportation; day care for elders; and, child care for grandparents raising grandchildren;
- (13) execute on behalf of the department any contract, lease or any other legal document. Any such document involving two thousand dollars or more shall not be binding unless it is also signed by the city manager; and,
- (14) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 8. Board of Library Directors - Public Library Division

(a) *Establishment.* To carry-out the terms of the deed of gift of Dr. John Green to the city of Worcester, dated December 27, 1859, and the last will and testament of Dr. John Green, and subject to the provisions of the General Laws chapter seventy-eight, section seven, there is hereby established under authority of Article Six of the Home Rule Charter within the department a division of the city to be known as the “Free Public Library” (“public library”).

(b) *Division Head.* The board of library directors (“board”) as so established shall head the division, which shall consist of the board, the head librarian and such other personnel as the city council, with the advice of the city manager, shall, from time to time, authorize in the budget.

(c) *Membership.* The board shall consist of twelve members who shall be appointed by the city council for terms of six years. The city council shall choose in the month of December two directors to fill the vacancies occurring on the first day of January next ensuing, which directors shall hold their office for the term of six years from the first day of January. All vacancies in the board, occasioned by death, resignation, removal from the city or otherwise, shall be filled in like manner, as they arise, for the unexpired term thereof, and no person shall be eligible to fill a vacancy arising from the expiration of his term of office.

(d) *Duties & Responsibilities.* It shall be the duty and responsibility of the board:

- (1) manage the Free Public Library;
- (2) have care and custody of the buildings and grounds of the library and any branches thereof;
- (3) have sole custody of the books;
- (4) promulgate any and all needful and suitable regulations concerning the Free Public Library and the use thereof;
- (5) manage all trust funds given or bequeathed for the benefit of the Free Public Library, including such trust funds formerly under the control of the board of commissioners of Trust Funds; and,
- (6) perform such other duties as may be prescribed by law.

(e) *Organization of the Board.* The directors shall meet as soon as may be after the first day of January in each year and organize into a board by the choice of a president and a secretary from their own number. A majority of the board shall be required for the transaction of business.

(f) *Secretary.* The secretary shall have the care and custody of all books, records, papers and documents belonging to the board and shall record all the doings of the board in a book to be furnished by the city, and he shall deliver the books, records, papers and documents to his or her successor in office.

(g) *Head Librarian & Officers.* Except as otherwise provided by law, the board shall appoint the head librarian and all subordinate officers and may remove such officers at pleasure. The head librarian shall be the executive officer of the board and shall perform the duties and responsibilities described in this ordinance unless any such duty or responsibility shall be incompatible with any authority exercised under the provisions of the deed of gift or last will and testament of Dr. John Green.

§ 9. Board of Health - Public Health Division

(a) *Establishment.* Under authority of Articles Six and Ten of the Home Rule Charter and the provisions of chapter one hundred eighty-one of the acts of nineteen hundred and fifty-three, as amended by chapter seven hundred ninety-seven of the acts of nineteen hundred seventy, there is hereby established within the office a board of the city to be known as the "Board of Health" ("board of health" or "board").

(b) *Membership.* The board shall consist of four members appointed by the city manager for staggered terms of three years each. One member shall have received the degree of doctor of medicine from a medical school classified by the American Medical Association as a Grade A school and another member shall have received a degree in dentistry from a dental school classified by the American Medical or Dental Association as a grade A school.

(c) *Duties & Responsibilities of the Board of Health.* The board shall assist and act with the commissioner as provided in chapter 181 of the acts of 1953, as amended by chapter 797 of the acts of 1970.

(d) *Commissioner of Public Health.* There shall be a commissioner of public health who shall be appointed by, and serve at the pleasure of, the city manager for a three year term in accordance with the qualifications and requirements of chapter 181 of the acts of 1953, as amended. The commissioner of public health shall serve, *ex officio*, as the chair of the board of health but shall not be a member of the board and shall have no vote unless the board be equally divided.

(e) *Duties & Responsibilities of the Commissioner of Public Health.* The commissioner shall possess and exercise the power and duty to:

- (1) preserve, promote and protect the physical and mental health of the inhabitants of the city by developing and revising a public health program of the city and providing advice to the city manager on public health issues;
- (2) perform all duties and exercise all the powers vested in a commissioner of public health or a board of health by chapter one hundred eleven of the General Laws, or any other general or special law;
- (3) provide programmatic supervision over the activities of the public health division established under this article;
- (4) promulgate guidelines and regulations concerning the medical activities of the division of public health division established under this article; and,

- (5) perform such other duties as assigned by the city manager or as may be prescribed by law.

(f) *Division Head.* The director of public health shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner of public health.

(g) *Duties & Responsibilities.* The director of public health shall:

- (1) administer and manage the tobacco control unit, the public health nursing, tobacco and burial permit units, including such educational, behavioral, prevention and tracking programs and activities related to any of these functions of as may be developed by the division under the general superintendence of the commissioner of public health;
- (2) keep the commissioner of public health informed of the activities of the division and the information gathered by the division concerning public health issues;
- (3) administer the affairs of the board of health and serve as the keeper of its records, minutes and other papers; and,
- (4) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 10. Human Services Division

(a) *Division Head.* The human services division shall be headed by the city manager, or such other person and he or she shall designate from time to time as the head of the executive office division or assign the duties of this division under section 3(a) of this article.

(b) *Duties & Responsibilities.* The human services division head shall have the following authority and responsibilities:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the division and its offices;
- (2) supervise the personnel in the division by establishing rules, policies and practices governing the operations of the division; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the division, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the division and provide the city manager with information developed by the division which would have a material impact on the financial condition of the city;

- (4) attend various neighborhood and community group meetings as directed by the city manager;
- (5) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (6) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (7) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
- (8) ensure that all actions of the division are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (9) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the division, or any of its offices, by the city manager or the city council;
- (10) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager; and,
- (11) determine the priorities of the division and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (12) prepare, monitor and manage the budget for the division, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager; and,
- (13) prepare, implement, evaluate and improve division operations, programs and projects in accordance with the goals and objectives established for the division by the city manager.

(c) *Table of Authorized Positions.* The division shall include a director of human services and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(d) *Manner of Appointment.* Each position in the division shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 11. Organization of Offices Within the Division of Human Services

(a) *Establishment of Offices.* The division shall be organized into the following offices for the following purposes:

Disability Commission & Office – to bring about full and equal participation in all aspects of life in the city for all people with disabilities;

Human Rights Commission & Office – to assure that every individual shall have equal access to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city;

Scholarships Office – to select the recipients of various scholarship funds and trusts held by the city, including the Thomas J. Early Scholarship Fund;

Status of Women Committee Office – to formulate, encourage, promote and monitor programs and policies relating to the status of women in the city;

Transitional Housing Services Office – to coordinate the provision of multiple government-based services and programs to individuals and families requiring immediate housing assistance and to administer the affairs of the commission on homelessness; and,

Veterans' Services Office – to provide services to veterans.

(b) *Duties & Responsibilities of Office Heads.* In addition to the special duties and responsibilities stated below for each office in the division, the head of each office shall also have the duty and responsibility to:

- (1) assist the human services division head in the performance of duties and responsibilities of the division and perform such other duties as may be assigned or requested by the division head or otherwise prescribed by law;
- (2) manage the budget for the office, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the division head;
- (3) supervise the personnel assigned to the office by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level authorized by the division head up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the office and payable from funds appropriated to the office;
- (5) keep the division head informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the office;

- (6) recommend to the division head implementing the rules, policies and practices governing the operations of the office as are approved by the division head; prepare, implement and evaluate office operations, programs and projects in accordance with the goals and objectives established for the office by the division head;
- (7) ensure that all actions of the office are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the division head;
- (8) make recommendations to the division head on changing or initiating any policy, operation, program or service to the public;
- (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the division head; and,
- (10) maintain any property assigned to the office by the division head.

§ 12. Disability Commission - Disability Office

(a) *Establishment of Commission on Disability.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the “Worcester Commission on Disability” (“commission”).

(b) *Membership.* The commission shall consist of seven members appointed by the city manager for three-year terms. The terms shall be staggered such that no fewer than two terms shall expire on May thirty-first of each year. A majority of said commission members shall consist of people with disabilities, one member may be a member of the immediate family of a person with a disability. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term.

(c) *Associate Members.* The city manager may appoint up to five associates of the commission, a majority of whom shall be persons with disabilities. The terms of associates shall expire on May thirty-first of each year and shall be staggered such that no more than two terms shall expire in any given year. Associates shall not be deemed members of the commission; however, whenever any member of the commission is absent from any meeting of the commission, associates shall, upon designation by the chairperson and by order of their appointment, fill such vacancies and shall have authority to participate and vote during such meeting. In making any such designation, the chairperson shall identify the member of the commission in whose stead the associate shall act. Should any absent member arrive at a meeting after an associate has been designated to act in his or her stead, the authority of the associate to act shall cease and the member shall take his or her place with the commission.

(d) *Duties & Responsibilities of the Commission.* The commission shall:

- (1) choose annually from among its regular members a chairperson, vice-chairperson and secretary, provided that it may designate the director of the commission on disability as its secretary;

- (2) research local problems of people with disabilities;
- (3) coordinate the activities of other local groups or individuals organized or committed to meet the needs of people with disabilities;
- (4) carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability;
- (5) review and make recommendations about policies, procedures, services and activities of city departments and agencies as they affect people with disabilities;
- (6) work in cooperation with city departments and agencies to bring about full and equal participation by people with disabilities;
- (7) advise and assist city officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;
- (8) influence city policies and coordinate with programs of the Massachusetts Office on Disability;
- (9) encourage public awareness of disability issues;
- (10) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;
- (11) recruit and recommend prospective commission members to the city manager; and,
- (12) submit an annual report to the city manager stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the status of persons with disabilities in Worcester.

(e) *Commission to Act Only By Majority Vote.* All actions of the commission shall be taken by majority vote of the commission members present and shall be recorded in the minutes of its meetings. No member of the commission shall claim or assert any regulatory or enforcement authority by virtue of membership on the commission. In no event shall any member of the commission claim to be acting on behalf of the commission unless such action was authorized in advance by vote of the commission.

(f) *Commission Attendance Required.* Any member who fails to attend any three consecutive meetings of the commission shall be deemed to have abandoned his or her membership on the commission. The commission may then recommend to the city manager that such position be declared vacant and request that a replacement be appointed and, if the city manager concurs with that recommendation, he shall then notify the member of his or her removal and proceed to fill the vacancy.

(g) *Powers & Duties of the Chair.* The chairperson of the commission shall have the following powers, duties and responsibilities:

- (1) establish the time, place and agenda for commission meetings in coordination with other commission members;
- (2) preside over meetings of the commission; and,

- (3) establish sub-committees of the commission and appoint members of the commission thereto.

(h) *Powers & Duties of the Vice-Chair.* The vice chairperson of the commission shall exercise the powers, duties and responsibilities of the chairperson in the event of the absence of the chairperson at any commission meeting or function or in the event of a vacancy in that position.

(i) *Duties of the Secretary of the Commission.* The secretary of the commission, either personally or through the commission on disability director, shall:

- (1) prepare and maintain minutes of all meetings of the commission and any of its sub-committees, which minutes shall include the date, time, place, members present or absent and the actions taken;
- (2) ensure that notice of all meetings is posted with the city clerk at least forty-eight hours before each meeting of the commission or any of its sub-committees;
- (3) maintain a file including all the correspondence and other papers received or generated by the commission or any of its sub-committees; and,
- (4) issue certified copies of any commission records or papers as required by law.

(j) *Acceptance of Grants.* The commission, with the approval of the city manager and a vote of the city council as provided in G.L. c. 44 § 53A, may accept in the name of the city of Worcester grants or gifts of funds from the federal government, a charitable foundation, a private corporation, an individual, or from the commonwealth or any city, town or county thereof. All grants or gifts shall be deposited in the city treasury and may be expended without further appropriation by the commission through contracts signed by the chairperson of the commission and the city manager as required by article 5-7 of the city charter or, if the amount is less than two thousand dollars, in accordance with the regulations issued or adopted by the city manager.

(k) *Disability Office Head.* The commission on disability director shall head the office and shall have the assistance of such other personnel as shall be assigned by the division head.

(l) *Duties & Responsibilities.* The commission on disability director shall:

- (1) assist the commission on disability in the performance of its legal duties and responsibilities;
- (2) administer the affairs of the commission on disability and serve as its keeper of the records; and,
- (3) perform the duties and responsibilities described in section 8(b)(1-10) above.

§ 13. Human Rights Commission - Human Rights Office

(a) *Human Rights Policy.* It is the policy of the city to assure that every individual shall have equal access to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city. It is clear that behavior which denies equal treatment to any of our citizens as a result of their race, color, religious creed, status, sexual orientation, disability or source of income undermines civil order and deprives persons of the benefits of a free and open society. Nothing in this section shall be constructed as supporting or advocating any particular religious view or lifestyle. To the contrary, it is the intention of this section that all persons be treated fairly and equally and it is the expressed intent of this ordinance to bring about the elimination of prejudice, intolerance, bigotry, discrimination and the disorder occasioned thereby.

(b) *Establishment of Human Rights Commission.* Under authority of Article Six of the Home Rule Charter and to promote the human rights policy of the city, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the "Human Rights Commission" ("commission").

(c) *Membership.* The commission shall consist of nine members appointed by the city manager for a term of three years provided, however, that, the terms shall staggered such that no more than three terms expire in any one year. The commission shall annually select one of its members as its chair. The chair shall preside over the meetings of the commission. The commission shall represent a broad spectrum of the Worcester community. Any vacancy, however created, other than by expiration of a term, shall be filled by appointment by the city manager for the unexpired portion of the term.

(d) *Duties & Responsibilities of Commission.* The commission shall possess and exercise the power and duty to:

(1) conduct investigations: to receive and investigate complaints of and to initiate its own complaints and/or investigations of:

(A) the denial of equal access to and discrimination in employment, housing, education, recreation and public accommodation (regardless of the public or private source of such denial or discrimination) where such denial or discrimination against a person is based on race, color, religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income;

(B) the denial to any person of equal access to and benefit from all public services;

(C) the violation of the enjoyment and exercise by any person of his or her civil rights; and,

(D) the presence in the city of prejudice, intolerance, bigotry, discrimination and the disorder occasioned thereby;

provided, however, that the executive director, with notice to the commission, shall refer any allegation involving the conduct of the any city employee, including the city manager, city clerk, city auditor or the superintendent of schools, to the Massachusetts Commission Against Discrimination or other appropriate state or federal agency and shall in no event initiate or otherwise conduct any investigation or inquiry regarding these officials or employees.

- (E) hold hearings: to take testimony, administer oaths, and conduct hearings and adjudicatory proceedings in accordance with sections 9, 10 and 11 of G.L. c.30A on any matter within its jurisdiction and, with the assistance and advice of the city solicitor, subpoena witnesses, seek court orders to compel the attendance of witnesses or the production of documents or other evidence;
- (F) conduct mediation: to attempt, by mediation, to resolve any complaint over which it has jurisdiction and to recommend to the city manager or other appropriate governmental agency, federal, state or local, such action as it deems appropriate. In the conduct of any such mediation the commission may utilize not only the members and staff of the commission but such organizations as the Worcester County Bar Association, the National Association for Dispute Settlement of the American Arbitration Association and any other similar organizations;
- (G) issue orders and reports: after completion of any investigation or hearings on any complaint or matter not resolved by mediation, the commission may:
- (H) upon a finding of an "unlawful practice", as that term is defined under section 4 of G.L. c.151B, issue cease and desist orders to the party believed to be responsible for such unlawful practice; provided, however, that in no event shall the commission issue any cease and desist orders to the city, its departments and agencies, or its employees insofar as the city employee is or was acting within the scope of his or her employment.
- (I) make a written report of its recommendations and findings to:
 - (i) the city manager on any matter within the manager's jurisdiction for review and implementation (including the taking of disciplinary or administrative action) as the city manager deems justified; or,
 - (ii) the school committee or superintendent of schools on any matter within their jurisdiction; or
 - (iii) the city council for employees under its jurisdiction; or the Massachusetts Commission Against Discrimination (MCAD) on any matter within its jurisdiction;
 - (iv) other governmental agency having jurisdiction over the matter in question,

and, in all cases, urging and using its best efforts to bring about compliance with its recommendation; or
- (J) assist in securing legal representation for complainants for who, in the opinion of the commission, are indigent or facing undue financial hardship and arrange for legal representation for any complainant who, in the opinion of the commission, has a justifiable complaint which involves a matter outside of the jurisdiction of either the city manager, city council, superintendent of schools or school committee, yet one which is within the jurisdiction of the commission but must be processed by the complainant before the MCAD or some other state or federal

governmental agency (or court), provided, however, that the commission shall attempt to secure such representation only for those complainants for whom undue hardship, in the opinion of the commission, would otherwise result;

- (2) review departmental policies: to review the existing policies, rules and regulations of any city department, board, commission or agency and provide its comments, conclusions and recommendations in writing to the city manager and the head or executive officer of any such city department, board, commission or agency, to the extent the foregoing regulations relate to the human rights ordinance of the city;
- (3) review departmental disciplinary actions: to review the results of any internal disciplinary action taken by any department, board, commission or agency of the city, including reports of the internal affairs division of the police department, and to make comments, conclusions and recommendations jointly to the city manager and the head or executive officer of any such department or agency to the extent such internal disciplinary investigations relate to the human rights ordinance of the city. Upon the request of the director, the head or executive officer of any department or agency of the city shall forward to the director a copy of any internal disciplinary action report at such time and only to the extent such report becomes a public record under the laws of the commonwealth. The head or executive officer of any city department or agency shall also furnish, subject to the provisions of this ordinance and with the advice and consent of the city solicitor, any other such records and information that the director may request relative to any internal disciplinary action. The director shall furnish the commission with copies of any internal disciplinary action report so received and may disclose to the commission, in an appropriate manner or setting as permitted or required by law, any other records and information received pursuant to this subsection. Any individual employed by the city, including members of the commission, the director or other staff, whether compensated or volunteers, who discloses any records or information of a personal nature or otherwise not subject to mandatory release under the public records law of the commonwealth, to any person, except as provided for herein, may be subjected to employee discipline by the appropriate city official or removed from the commission by the city manager, as the case may be;
- (4) issue publications: to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious creed, national origin, sex, age or ancestry, marital status, parental status, sexual orientation, disability or source of income;
- (5) develop training programs: to develop, in cooperation with the executive offices of human resources and employment and training as well as any federal, state or other city agency or department, programs of instruction for city employees, other municipal employees, or private sector businesses, institutions or employees concerning the elimination of prejudice, intolerance, bigotry and discrimination and the value of mutual self-respect and the achievement of harmonious relationships among all individuals;

- (6) create committees: to create such committees from the members of the (6) commission as, in the commission's judgment, will best aid in effectuating the provisions of this ordinance and to empower such sub-committees to study the problems of prejudice, intolerance, bigotry and discrimination existing in the city due to denial of equal treatment as a result of race, color, religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income;
- (7) make recommendations and annual reports: to make such recommendations to any public official or public body as, in its judgment, will effectuate the policy of this ordinance and, annually, to make a written report to the city manager of its activities. The commission's annual report to the city manager shall be made available to the public;
- (8) make rules and regulations: to adopt rules and regulations consistent with this ordinance and the laws of the commonwealth to carry out the policy and provisions of this ordinance and the powers and duties of the commission in connection therewith; and to perform such other duties as may be prescribed under law;
- (9) In no event shall the commission file, or in any way be a party to any criminal actions or complaints in any court of law. In all civil matters the commission shall be represented solely by the city solicitor.

(e) *Contributions*. The commission may, with the approval of the city manager and city council, on behalf of the city, accept contributions, grants and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the provisions of this section.

(f) *Relations with City Agencies*. Subject to the provisions of the city charter and the laws of the Commonwealth, the commission shall receive the cooperation and assistance of all city departments and agencies. The commission shall respect the privacy of all individuals. In the event the staff or members of the commission receive any documents or information of a confidential nature, or which would be exempt from disclosure under the public records law or which pertains to a subject eligible for discussion in executive session, neither the staff nor members of the commission shall release or divulge such documents or information to parties outside of the commission, its staff, the law department or any other appropriate city official. Unless otherwise provided, herein, all city departments and agencies shall respond to commission requests for administrative and legal services within ten working days of the date of receipt of any such request.

(g) *Definitions*. For purposes of this section the following definitions shall apply:

“age” refers to the actual or supposed chronological age of an individual eighteen years or older and shall relate to claims of denial of equal treatment due to age. This shall not limit the rights of persons under age eighteen to file a complaint for other than age discrimination (e.g. race discrimination, etc.) if accompanied by a guardian, where necessary.

“disability” refers to any actual or supposed physical or mental handicap of an individual, other than legal incompetency.

“internal disciplinary investigation” refers to any inquiry by the city manager or head of any city department or agency to determine whether the conduct of

city employees complies with the ordinances, orders, policies and procedures of the city and, if not, what disciplinary measures are appropriate, insofar as such conduct involves allegations of the impairment or violation of the civil or human rights of any individual.

“marital status” refers to the actual or supposed state of being or having been unmarried, married, separated, divorced or widowed.

“parental status” refers to the actual or supposed condition of having or not having children.

“person” includes, but is not limited to, one or more individuals, partnerships, associations, corporations, agencies, legal representatives, trustees, trustees in bankruptcy and receivers, the city and all political subdivisions, boards and commissions.

“sexual orientation” refers to actual or supposed homosexuality, heterosexuality or bisexuality or orientation or practice including, but not limited to, an orientation that may be presumed on the basis of mannerisms, physical characteristics, manner of dress or deportment.

“source of income” refers to the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents excluding the use of criminal activities as a means of support.

(h) *Construction.* The provisions of this section shall be construed liberally for the accomplishment of the purposes hereof. Nothing herein shall be construed to limit civil rights granted or hereinafter afforded by federal and state law.

(i) *Effect of State and Federal Law.* Nothing in this section shall be deemed to exempt or relieve any person from any liability, duty, penalty or punishment provided by any present or future law of the commonwealth of Massachusetts or the United States, other than any such law which purports to require or permit the doing of any act which would be unlawful under this section.

(j) *Human Rights Office Head.* The director of human rights shall head the office and shall have the assistance of such other personnel as shall be assigned by the division head.

(k) *Duties & Responsibilities.* The director of human rights shall:

- (1) administer the affairs of the human rights commission and serve as the keeper of its records;
- (2) manage the programs and activities of the office;
- (3) have the power and duty to initiate complaints and investigations of discriminatory practices, report his or her findings to the commission and attempt mediation or conciliation of any complaint alleging discrimination;
- (4) perform such additional duties consistent with the human rights ordinances as may be assigned from time to time by vote of the commission; and,
- (5) perform the duties and responsibilities described in section 8(b)(1-10) above.

§ 14. Transitional Housing Services Office

(a) *Office Head.* The director of transitional housing services shall head the office and shall have the assistance of such other personnel as shall be assigned by the division head.

(b) *Duties & Responsibilities.* The director shall:

- (1) develop, maintain and implement plans for the relocation of individuals and families displaced from their housing due to code or housing enforcement or other actions of the city;
- (2) assist the Commission on Homelessness in the implementation, monitoring and updating of the *Three Year Plan to End Homelessness in Worcester* as originally developed by the city manager's task force on homelessness and presented to the city council on December 3, 2007;
- (3) conduct periodic reviews of the needs of homeless individuals and families;
- (4) assist the Commission on Homelessness in the development of performance measurements and benchmarking criteria to quantify the impact of homelessness programs;
- (5) assist the Commission on Homelessness in the development of recommendations to the city manager on legislative initiatives consistent with the *Three Year Plan to End Homelessness in Worcester*;
- (6) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving homelessness programs and services;
- (7) administer and keep the records of the Commission on Homelessness; and,
- (8) perform the duties and responsibilities described in section 8(b)(1-10) above.

§ 15. Veterans' Services Office

(a) *Office Head.* The director of veterans' services shall head the office and shall have the assistance of such other personnel as shall be assigned by the division head.

(b) *Duties & Responsibilities.* The director shall:

- (1) administer and manage the programs and activities of the office under the general superintendence of the division head;
- (2) perform all duties prescribed by chapter one-hundred fifteen of the General Laws;

- (3) administer the disbursement of veterans' benefits;
- (4) provide services to veterans, members of the armed forces, their families and their dependents;
- (5) provide information and advice to veterans as may be necessary to enable them to procure the benefits to which they are entitled;
- (6) maintain close cooperation with state and federal agencies established for the aid of veterans; and,
- (7) perform the duties and responsibilities described in section 8(b)(1-10) above.

§ 16. Early Scholarship Committee

(a) *Establishment of Early Scholarship Committee.* Pursuant to chapter 194 of the Acts of 1986, as amended by chapter 712 of the Acts of 1987, which added section three C of chapter sixty of the General Laws of Massachusetts, as accepted by the City by vote of the City Council on January 13, 1987, and under authority of Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the City Manager a scholarship committee, as an executive committee of the City, to be known as the "Early Scholarship Committee" ("committee").*

(b) *Membership.* The committee shall consist of five residents of the City appointed by the City Manager for terms of three years. The terms shall be staggered such that two terms shall expire each July thirty-first for two consecutive years and one term shall expire on July thirty-first of the next year. The superintendent of schools of the City, or his or her designee, shall also serve on the committee as an ex-officio member.*

***Amended September 21, 2010 - 9531**

(c) *Duties & Responsibilities.* The committee shall serve in the memory of former Mayor and City Councilor Thomas J. Early, select the recipients of the amount of financial aid from the scholarship fund created by section three C of chapter sixty of the General Laws and perform such other functions, including the selection of scholarship recipients from other sources of funds, as may be designated by the city manager.

(d) *Selection Criteria.* The committee may adopt any criteria to assist in the selection of recipients, subject to any relevant ordinance and further subject to the following criteria:

- (1) the recipients of financial aid must be residents of the city at the time the financial aid is first awarded and have been accepted to pursue education beyond the secondary school level at an institute deemed accredited by the committee; and,
- (2) the committee shall take into consideration each recipients' financial need, character, scholastic record and involvement in community work as well as extracurricular school activities.

(e) *Distribution of Aid.* The committee may distribute financial aid from both interest and principal of the fund, without further appropriation. The committee shall establish a procedure for determining at least on an annual basis the amounts or percentage of the funds that shall be authorized for distribution and for notifying the city treasurer or other investing officer or agency so that the funds may be made available in a timely manner and with a minimum of penalties.

§17. Homelessness Commission

(a) *Establishment of Commission on Homelessness.* Under authority of Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Commission on Homelessness” (“commission”).

(b) *Membership.* The commission shall consist of nine members appointed by the city manager for a term of three years provided, however, that, the terms shall staggered such that no more than three terms expire in any one year. The city manager shall designate from the membership of the committee a chair and vice-chair. The members of the committee shall consist of one member from among those nominated by the following agencies and entities:

- (1) Worcester Housing Authority;
- (2) Worcester Public Schools;
- (3) A provider of shelter;
- (4) A health care provider.;
- (5) A workforce development agency;
- (6) A neighborhood crime watch or neighborhood-based organization;
- (7) A business entity operating within the city; and,
- (8) Two members not otherwise affiliated and maintaining their primary residence in the city;

(c) The city manager shall establish open, fair and equitable procedures for soliciting nominees from the various entities and agencies listed and shall publish such procedures for an appropriate time prior to soliciting nominees for appointment to the commission.

(d) The city manager shall annually select one of its members as its chair. The chair shall preside over the meetings of the commission. The commission shall represent a broad spectrum of the Worcester community. Any vacancy, however created, other than by expiration of a term, shall be filled by appointment by the city manager for the unexpired portion of the term.

(e) *Duties & Responsibilities of Commission.* The commission shall possess and exercise the power and duty to:

- (1) implement, monitor and update the *Three Year Plan to End Homelessness in Worcester* as originally developed by the city manager's task force on homelessness and presented to the city council on December 3, 2007;
- (2) conduct periodic reviews of the needs of homeless individuals and families;
- (3) make recommendations to the city manager for city budgetary expenditures to end homelessness;
- (4) advocate to meet the needs of the homeless; and,
- (5) make reports to the city manager on the progress of the implementation of the *Three Year Plan to End Homelessness in Worcester*.

§ 18. Status of Women Committee

(a) *Establishment of the Advisory Committee on the Status of Women.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an agency of the city to be known as the "Advisory Committee on the Status of Women" ("committee").

(b) *Membership.* The committee shall consist of fifteen persons appointed by the city manager for three year terms. The terms shall be staggered such that five terms shall expire on August thirty-first of each year. From time to time, the city manager shall designate the chair of the committee.

(c) *Duties & Responsibilities.* It shall be the function of the committee to:

- (1) formulate, encourage, promote and monitor programs and policies relating to the status of women in the city;
- (2) submit annually to the city manager a report stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the status of women in Worcester; and,
- (3) appoint sub-committees as may be needed to carry out its responsibilities.

Article 2. Human Resources Department

- § 1. Establishment
- § 2. Function
- § 3. Authorized Positions
- § 4. Head of Department
- § 5. Duties & Responsibilities

Related Board and Commission:

- § 6. Affirmative Action Advisory Committee
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Human Resources Department” (“department”).

§ 2. Function

It shall be the function of the department to administer the human resources activities of the city, including personnel administration, collective bargaining, affirmative action, group insurance, employee training and education, workers compensation and injured-on-duty.

§ 3. Authorized Positions

The department shall consist of a director of human resources such other positions as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

§ 4. Head of Department

The department shall be headed by the director of human resources who shall be appointed by and shall serve at the pleasure of the city manager.

§ 5. Duties & Responsibilities

(a) *General Duties & Responsibilities.* The director of human resources shall be responsible for the performance of the functions of the office and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the office;
- (2) supervise the personnel in the office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) act as the legislative liaison of the city by preparing the annual legislative agenda of the city and monitoring the progress of legislation approved by the city council;
- (4) keep the city manager informed of the activities and needs of the office and provide the city manager with information developed by the office which would have a material impact on the financial condition of the city;
- (5) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service within the office;
- (6) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (7) perform such other tasks and functions as may be requested by the city manager;
- (8) ensure that all actions of the office are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America;
- (9) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the office by the city manager and the city council;
- (10) determine the priorities of the office and to prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (11) prepare, monitor and manage the budget for the office, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager; and
- (12) prepare, implement, evaluate and improve office operations, programs and projects in accordance with the goals and objectives established for the office by the city manager.

(b) *Specific Duties & Responsibilities.* The director of human resources shall:

- (1) act as the personnel administrator under authority delegated to the city by the agreement dated between the city and the department of personnel administration of the commonwealth;
- (2) plan, administer and direct all phases of the personnel plan, including wage and salary administration, position classification, sick and vacation leave, accident prevention and safety programs, physical examination program, personnel transactions and record keeping in accordance with the applicable rules and regulations, ordinances and statutes;
- (3) conduct collective bargaining on behalf of the city manager;
- (4) review and advise the chief financial officer on all departmental requests for personnel and determine before any employee shall be hired, reinstated, promoted or transferred that:
 - (A) there exists a vacant position in the table of authorized positions for such employee;
 - (B) the proposed salary for such employee is in accordance with the salary ordinance;
 - (C) there is compliance with applicable laws, including the civil service laws, rules and regulations; and,
 - (D) the city manager has approved such employment;
- (5) develop and revise personnel policies and practices and recommend same to the city manager;
- (6) advise and inform city department heads, officials and employees, and other interested parties, relative to all aspects of the human resources programs and activities;
- (7) administer the grievance procedure for employees
- (8) administer the disciplinary system of the city at all levels below the city manager or other appointing authority;
- (9) administer the personal property damage fund;
- (10) serve as the city manager's advisor on equal opportunity matters in conjunction with the city's Human Rights Commission;
- (11) train and develop city employees;
- (12) implement the policy of equal employment opportunities contained in the city affirmative action plan;
- (13) receive, review and make recommendations to the city manager on affirmative action programs, goals, objectives and timetables;
- (14) manage the activities of the city physician;
- (15) administer, review, monitor, evaluate and investigate workers' compensation claims (G.L. chapter one hundred and fifty-two) filed by city employees;

- (16) administer, review, monitor, evaluate and investigate injured-on-duty claims (G.L. chapter forty-one, section one hundred eleven F) filed by city employees;
- (17) administer the city's light duty programs;
- (18) comply with all reporting requirements of the Division of Industrial Accidents and make appropriate presentations to that division;
- (19) review all applications for disability retirements;
- (20) request the city solicitor to provide legal representation in all cases where the law requires the city to be represented by an attorney and inform the city manager in all other cases where the director of human resources believes the assistance of the city solicitor would be advisable;
- (21) monitor and evaluate the city's personnel hiring employment patterns and practices; contract compliance efforts; fair housing policies and programs; permanent jobs; program benefits; and, program accessibility for the disabled covered under § 504 of the Rehabilitation Act;
- (22) collect and analyze data relative to equal employment opportunity for city departments and local offices; compliance of contract funded in part or in whole by city funds; fair housing; permanent jobs; program benefits; and, § 504 requirements with respect to employment in all city departments and offices;
- (23) provide equal opportunity technical assistance to city department heads;
- (24) administer the affairs of the affirmative action advisory committee established under these ordinances, attend all of its meetings, summarize comments made and policy suggestions decided upon, and submit quarterly reports to the Massachusetts Commission Against Discrimination;
- (25) serve as the city manager's coordinator on § 504 of the Rehabilitation Act of 1973;
- (26) administer the group health and life insurance programs by:
 - (A) authorizing and preparing all payments of premiums and cost reimbursement to the city's insurance carriers and computing the shares due from the employees' account and the city's account and coordinating matters involving payroll deductions and cash payments with the city treasurer;
 - (B) processing and approving all changes to existing group memberships and maintaining records of such members
 - (C) administering policies and procedures related to the delivery of group health insurance benefits;
 - (D) resolving problems of group membership and coverage which may be encountered by city subscribers and processing any necessary forms to correct problems;
 - (E) providing clear and comprehensive information to employees, retirees and departments concerning their benefits and options and

advising employees and retirees on matters related to group insurance;

- (F) propose, research, evaluate and implement programs and systems concerning cost control and containment in the areas of group insurance, worker's compensation and injured on duty;
- (G) review contract and proposals from insurance carriers and to provide recommendations to the city manager regarding rates and terms of contracts; and,
- (H) research and envelope alternate programs of health care delivery and financing for city employees and retirees including researching and preparing legislative reform recommendations regarding state mandated programs and provisions concerning group insurance benefits.

§ 6. Affirmative Action Advisory Committee

(a) *Establishment of the Affirmative Action Advisory Committee.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the "Affirmative Action Advisory Committee" ("committee").

(b) *Membership of the Affirmative Action Advisory Committee.* The committee shall be comprised of nine members appointed by the city manager for terms of three years. The terms shall be staggered such that three terms shall expire on December 31st of each year. Nominations will be considered from organizations concerned with issues of equal opportunity in employment, housing and contract compliance, minority business enterprise, program benefits, permanent jobs and handicapped accessibility.

(c) *Duties & Responsibilities of the Affirmative Action Advisory Committee.* The committee shall:

- (1) provide the city manager annually with a report on the implementation and attainment of the goals established by the fair housing, equal employment and contract compliance plans of the city;
- (2) advise the city manager annually of its recommendations on establishing new affirmative action, equal opportunity and inclusionary programs and practices or revising such existing programs;
- (3) perform such other related duties as required by the city affirmative action program.

Article 3. Executive Office of Economic and Neighborhood Development

(Entire text of Article 3 was deleted and a new Article 3 was inserted August 9, 2011 - 9654)

- § 1. Establishment
- § 2. Function
- § 3. Head of the Office
- § 4. Authorized Positions
- § 5. Organization of the Office
- § 6. Administration Division
- § 7. Business Assistance Division
- § 8. Cable Services Division
- § 9. Cultural Development Division
- §10. Housing Development Division
- §11. Neighborhood Development Division
- §12. Planning and Regulatory Services Division
- §13. Workforce Development Operations Division
- §14. Workforce Investment Board Division

Related Boards and Commissions:

- §15. Advisory Committee On Youth
 - §16. Arts Council
 - §17. Cable Television Advisory Committee
 - §18. Conservation Commission
 - §19. Historical Commission
 - §20. License Commission
 - §21. Planning Board
 - §22. Zoning Board of Appeals
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Executive Office of Economic Development” (“office”).

§ 2. Function

It shall be the function of the office to manage and operate economic, business assistance and cultural development, neighborhood development, housing development, workforce development, marketing and planning and regulatory services functions of the city.

§ 3. Head of the Office

(a) *Office Head.* The office shall be headed by a chief development officer (“chief development officer”) who shall be designated by, and serve at the pleasure of, the city manager.

(b) *Duties & Responsibilities.* The chief development officer shall be responsible for the performance of the functions of the office and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the office;
- (2) supervise the personnel in the office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the office and provide the city manager with information developed by the office which would have a material impact on the financial condition of the city;
- (4) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service within the office;
- (5) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (6) perform such other tasks and functions as may be requested by the city manager;
- (7) ensure that all actions of the office are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America;
- (8) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the office by the city manager and the city council;
- (9) determine the priorities of the office and to prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (10) prepare, monitor and manage the budget for the office, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager;

- (11) prepare, implement, evaluate and improve office operations, programs and projects in accordance with the goals and objectives established for the office by the city manager; and,
- (12) administer the executive functions of the Worcester Redevelopment Authority in accordance with the directives of the city manager and the by-laws of that agency.

§ 4. Authorized Positions

(a) Table of Authorized Positions. The office shall consist of the chief development officer and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) Manner of Appointment. Each position in the office shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of the Office

(a) Establishment of Divisions. The office shall be organized into the following divisions for the following purposes:

Administration Division - to assist the chief development officer in the performance of the duties and responsibilities as the head of the office;

Business Assistance Division - to administer the economic development agenda and programs of the city; to promote, develop and expand investment and employment in the city; to secure the commitment of private capital into new or existing businesses in the city; and, to administer and coordinate all federal, state and local programs involving the preparation of property for real estate development through the remediation or removal of contaminated buildings, soils or substances;

Cable Services Division - to administer the cable television franchise agreement, disburse funds received by that agreement, operate the government access channel and administer the affairs of the cable television advisory committee as established and authorized under these ordinances;

Cultural Development Division - to administer the cultural development agenda and programs of the city; to promote, develop and expand cultural activity in the city; to execute the programs and administer the affairs of the arts council as established and authorized under these ordinances; and ;

Housing Development Division – to develop and administer programs and policies of the city on housing and homelessness;

Neighborhood Development Division – to develop and administer programs to improve the quality of life in the neighborhoods of the city;

Planning & Regulatory Services Division – to provide all city departments with master planning, neighborhood planning and project planning and analysis and to administer, advise and assist the planning board, zoning board of appeals, conservation commission, license commission and historical commission in the performance of their public responsibilities;

Workforce Development Operations Division - to operate one or more comprehensive customer-focused workforce investment and training centers known as “one-stop career centers” as that term is defined herein and to perform such other functions as may be authorized by federal or state laws or regulations consistent with such operations; and,

Workforce Investment Board Division – to provide administrative support services to the local workforce investment act board as the same is established and regulated by the Workforce Investment Act (Public Law 105-220; see 29 U.S.C. § 2801 *et seq.*, the “Act”), as the Act may be amended or superseded, and to provide the city manager with information and forecasts concerning employment, unemployment, employer needs and economic activity; to coordinate the provision of multiple government-based services and programs to local youth and to collaborate and coordinate with existing non-governmental organizations and agencies.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division of the office, the head of each division shall also have the duty and responsibility to:

- (1) assist the chief development officer in the performance of the duties and responsibilities of the head of the office and perform such other duties as may be assigned or requested by the chief development officer or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the chief development officer;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level authorized by the assistant city manager up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (5) keep the chief development officer informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;

- (6) recommend to the chief development officer implementing the rules, policies and practices governing the operations of the office as are approved by the chief development officer;
- (7) prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the chief development officer;
- (8) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the chief development officer;
- (9) make recommendations to the chief development officer on changing or initiating any policy, operation, program or service to the public;
- (10) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the chief development officer; and,
- (11) maintain any property assigned to the division by the chief development officer.

(c) *Management of Multiple Divisions.* The chief development officer, with the advice and consent of the city manager, may assign the responsibilities of any two or more divisions to one individual in the service of the office.

§ 6. Administration Division

(a) *Division Head.* The chief development officer shall designate the head of the division who shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties and Responsibilities.* The head of the division shall:

- (1) provide administrative, communications, scheduling, research and support services to the chief development officer;
- (2) manage the processing of payroll, purchasing, contracts, and personnel documentation for the office;
- (3) assist the chief development officer in the performance of his or her duties and responsibilities as the head of the office; and,
- (4) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 7. Business Assistance Division

(a) *Division Head.* The director of business assistance shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The division head shall:

- (1) develop and administer the economic development program of the city;
- (2) attract and guide the investment of private capital into new or existing businesses or properties so as to expand the tax base and employment levels of the city;
- (3) administer the business and economic development laws and programs of the state and federal governments;
- (4) administer and coordinate contracts entered into by the city for business or economic development purposes;
- (5) develop and administer the marketing program of the city and promote Worcester as a place for living, working, and investing;
- (6) develop and administer the environmental remediation programs of the city, including the administration of grants for the remediation of environmental contamination on public or private property; and,
- (7) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 8. Cable Services Division

(a) *Division Head.* The director of cable services shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties and Responsibilities.* The director of cable services shall:

- (1) administer the cable television franchise agreement and monitor the activities of the cable franchise operator;
- (2) after consultation with the cable television advisory committee, make recommendations annually to the chief development officer as to the disbursement the funds received under the cable franchise agreement among the public, educational and government channel operations;
- (3) operate the government access channel on the cable television system so as to provide to the extent possible: A) live cablecasts of the meetings of the city council, committees of the city council, city boards and commissions and other governmental bodies related to the city of Worcester; 2) original content programming providing viewers with information about the operations, issues and decisions involving city of Worcester agencies; and, 3) other programming which is useful to the residents of Worcester and appropriate for broadcast on a government access cable channel;
- (4) coordinate as necessary with the director of technical services to ensure that any institutional network provided under any cable franchise

agreement operates properly and meets the technical requirements of the city for the internal transmission of data among city offices;

- (5) administer and keep the records of the cable television advisory committee; and
- (6) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 9. Cultural Development Division

(a) *Division Head.* The cultural development division shall be headed and staffed by such personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The division head shall:

- (1) develop and administer the cultural development program of the city and, in partnership with the Worcester Cultural Coalition, promote Worcester as a place for creative enterprise;
- (2) develop and administer the arts and culture programs of the city as requested by the chief development officer; and,
- (3) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 10. Housing Development Division

(a) *Division Head.* The director of housing development shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The director of housing development shall:

- (1) administer state and federal grant programs which provide home ownership and housing opportunities and assistance for persons of low and moderate income;
- (2) develop, maintain and implement plans and policy recommendations on all aspects of housing and homelessness, including (i) the relocation of individuals and families displaced from their housing due to code or housing enforcement or other actions of the city; (ii) conduct periodic reviews of the needs of homeless individuals and families; (iii) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving homelessness programs and services; and, (iv) administer, assist and serve as the keeper of the records of the Commission on Homelessness;

- (3) attend various neighborhood and community group meetings as directed by the chief development officer;
- (4) process applications for grants from federal, state and private sources to be expended for housing and related needs by the department or by other appropriate city agencies for the public purposes for which those agencies have been established and organized under law; and,
- (5) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Grants and Program Activities.* When directed by the city manager, the division shall be authorized to monitor the implementation of any grant received and, in so doing to charge the grant proceeds with any administration fee authorized by law. The division shall not be the recipient of the proceeds of any grant awarded through the performance of its duty to process applications for grants from federal, state and private sources unless such grant provides funds for a programmatic activity under the responsibility of the office and the expenditure of such grant proceeds is approved by the city manager.

§ 11. Neighborhood Development Division

(a) *Division Head.* The director of neighborhood development shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The director of neighborhood development shall:

- (1) administer the community development block grant program in accordance with the entitlements and requirements of the Housing and Community Development Act of 1974, 42 U.S.C. 5301 et seq., as amended, and the regulations adopted under authority thereof at 24 C.F.R. 570. (see, 24 C.F.R. 507.206);
- (2) administer state and federal grant programs which provide neighborhood opportunities and assistance;
- (3) develop policy recommendations on neighborhood improvements and administer such policies as directed by the chief development officer;
- (4) ensure that residents enjoy the full advantage of neighborhood programs involving community policing, local law enforcement, crime watch initiatives, clean city initiatives, community health, elder services, basic family preservation services; and enhanced neighborhood quality of life;
- (5) attend various neighborhood and community group meetings as directed by the chief development officer;
- (6) perform planning, urban environmental design and policy-planning-management-capacity building activities under the community development block grant program (see, 24 C.F.R. 507.205) to the extent those activities are consistent with the neighborhood and housing development functions of the division;

- (7) process applications for grants from federal, state and private sources to be expended for housing and related needs by the department or by other appropriate city agencies for the public purposes for which those agencies have been established and organized under law; and,
- (8) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Grants and Program Activities.* When directed by the city manager, the division shall be authorized to monitor the implementation of any grant received and, in so doing to charge the grant proceeds with any administration fee authorized by law. The division shall not be the recipient of the proceeds of any grant awarded through the performance of its duty to process applications for grants from federal, state and private sources unless such grant provides funds for a programmatic activity under the responsibility of the office and the expenditure of such grant proceeds is approved by the city manager.

§ 12. Planning and Regulatory Services Division

(a) *Division Head.* The director of planning and regulatory services (“director”) shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The director shall:

- (1) provide the city manager and such other officers, employees, boards and commissions of the city as directed by the city manager or otherwise by law, with advice on planning and land use policy in the city by:
 - (i) performing the planning, urban environmental design and policy-planning-management-capacity building activities prescribed in the community development block grant program (see, 24 C.F.R. 507.205) to the extent those activities are consistent with the land use planning and economic development functions of the office;
 - (ii) maintaining the official map of the city in accordance with the laws of the commonwealth; and,
 - (iii) maintaining an accurate copy of the zoning map in accordance with the zoning ordinance;
- (2) provide the chief development officer with recommendations on useful changes to the official map of the city or the zoning map or zoning ordinance of the city;
- (3) administer the affairs of the performance of any and all functions as may be lawfully delegated by any board or commission of the city to the director of planning and regulatory services; and,
- (4) serve as the clerk and keeper of the records of the conservation commission, historic commission, license commission, planning board and zoning board of appeals; and,

- (5) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Delegation of Duties to the Chief Planner.* The director may delegate any duty, responsibility or authority vested in that position by these ordinances, or any other law, to the chief planner.

(d) *Planning & Urban Environmental Design Activities.* In performing the planning, urban environmental design and policy-planning-management-capacity building activities under the community development block grant program (see, 24 C.F.R. 507.205), the director may gather data, conduct studies and analysis and otherwise prepare the following plans: comprehensive plans; community development plans; and, functional plans in areas such as economic development, land use and urban environmental design, housing, open space and recreation, energy use and conservation, floodplain and wetlands management, transportation, utilities, historic preservation.

(e) *Official Map.* The official map of the city shall contain only those public ways, private ways and parks as authorized by section 81E of chapter 41 of the General Laws. The director shall keep a true and accurate copy of the official map and is hereby authorized to certify as true copies and issue the official map of the city or any portion thereof. The director shall revise the official map with lines or notations showing proposed, new, altered, relocated or discontinued public ways and new, altered or discontinued boundaries of parks and playgrounds, as may from time to time result from any action of the city council or otherwise by operation of law. The director, either directly or through subordinates, shall cause all changes or additions to the official map to be recorded in the Worcester District Registry of Deeds and filed with the city clerk and the state agency designated by statute to receive said filings.

(f) *Zoning Map.* The director shall maintain a true and accurate copy of the zoning map of the city, as the same may be amended from time to time by action of the city council, and shall, either directly or through subordinates, certify as true copies and issue the zoning map of the city or any portion thereof. The director shall revise the zoning map to show changes made by any amendments to the zoning ordinance adopted by the city council or otherwise by operation of law. The director, either directly or through subordinates, shall cause all amendments to the zoning map to be recorded in the Worcester District Registry of Deeds and filed with the city clerk.

§ 13. Workforce Development Operations Division

(a) *Division Head.* The director of workforce development operations shall head the division and shall have the assistance of such personnel as shall be assigned by the chief development officer. Unless otherwise required by law, the director shall be appointed by and serve at the pleasure of the city manager.

(b) *Duties & Responsibilities.* The director of workforce development operations shall:

- (1) operate in accordance with all applicable laws and regulations one or more one-stop career centers as may be designated or certified from time to time by the local workforce investment board established under the

Workforce Investment Act (Public Law 105-220, August 7, 1998, 112 Stat. 936; *see* 29 U.S.C. § 2801 *et seq.*; the “Act”), as the Act may be amended or superseded by subsequent federal legislation, and such other state laws or regulations implementing the Act. For purposes of this section, a “one-stop career center” shall be a comprehensive customer-focused workforce investment and training center which: 1) uses information and high quality services to provide people with access to the tools they need to manage their careers and companies with access to appropriately skilled workers; 2) qualifies as a “one-stop operator” under the Act and the requirements of the commonwealth in the implementation of the Act (*see* 29 U.S.C. § 2864(c)); and, 3) is designated or certified as a one-stop partner by the local workforce investment board (*see* 29 U.S.C. § 2841(d));

- (2) direct, control, supervise and discipline the staff of the one-stop career centers operated by the division and in doing so report directly and solely to the chief development officer;
- (3) exercise such authority as may be provided to the chief administrative official of a one-stop career center by the Act or any federal or state law regarding employment, education and training programs;
- (4) administer and manage the operations, programs and activities of the division under the general superintendence of the chief development officer; and,
- (5) to the extent not prohibited by the Act or any other federal or state law involving the employment and training of individuals, perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Fiscal Agent.* In the event that the city manager designates the workforce development operations division to be the local fiscal agent or local grant subrecipient under 29 U.S.C. § 2832(d)(3)(B)(II), the director of workforce development operations shall provide such services in accordance with 29 U.S.C. § 2832(d)(3)(B)(III).

§14. Workforce Investment Board Division

(a) *Division Head.* Whenever the local workforce investment board (as defined below) shall determine to employ individuals in the employ of the city of Worcester as its staff, the city manager shall appoint a director of workforce investment board who shall head this division and shall have the assistance of such personnel as shall be assigned by the chief development officer. Unless otherwise provided by law or in any agreement or memorandum of understanding between the city and the local workforce investment board, the director shall be appointed by and serve at the pleasure of the city manager.

(b) *Duties & Responsibilities.* The director of the workforce investment board shall:

- (1) provide executive staffing services to the local workforce investment board (“board”) established under the Workforce Investment Act (Public Law 105-220, August 7, 1998, 112 Stat. 936; *see* 29 U.S.C. § 2801 *et seq.*; the “Act”), as the Act may be amended or superseded by subsequent federal legislation, and such other state laws or regulations implementing the Act;

- (2) act under the auspices of any agreement or memorandum of understanding between the city and the board concerning the employment of staff by the board;
- (3) exercise such authority within the service delivery area which includes the city as may be provided by the Act or any federal or state law regarding employment, education and training programs, including planning, contract development and negotiation, monitoring and evaluation, management information system maintenance and program and fiscal management;
- (4) direct, control, supervise and discipline such subordinate staff of the local workforce investment board as either the board may employ or the city manager may appoint in accordance with the personnel policies and practices of the city (or such other policies and practices as established by the board and approved by the city manager) and in doing so report solely to the board and the chief development officer;
- (5) provide the city manager with information and forecasts concerning employment, unemployment, employer needs and economic activity;
- (6) keep the city manager advised on employment matters, including the Worcester area job market, existing proposed programs, federal and state legislation on employment, and employment trends;
- (7) provide advice and counsel to city agencies on employment, education and training planning matters;
- (8) perform such other duties as may be requested by the city manager or the board consistent with the above; and,
- (9) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Fiscal Agent.* In the event that the city manager designates the board to be the local fiscal agent or local grant subrecipient under 29 U.S.C. § 2832(d)(3)(B)(II), the director of the workforce investment board shall provide such services in accordance with 29 U.S.C. § 2832(d)(3)(B)(III).

(d) *Restrictions.* The director of the workforce investment board shall not, either directly or through subordinate staff, provide core services as described in 29 U.S.C. § 2864(d)(2) or intensive services described in 29 U.S.C. § 2864(d)(3), or otherwise operate a one-stop career center as described above in 29 U.S.C. § 2864(c), without the approval of the governor and the city manager or engage in any other activity concerning employment, education and training programs and projects which is prohibited by the Act or any law, regulation or guideline issued by the commonwealth of Massachusetts in these matters.

(e) *Youth Opportunities Office.* The workforce investment board division shall also include a youth opportunities office which shall be headed by a youth director, who shall be appointed by and serve at the pleasure of the city manager and shall have the assistance of such personnel as shall be assigned by the chief development officer.

(f) *Duties and Responsibilities.* The youth director shall:

- (1) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving youth programs, employment and services;
- (2) identify and coordinate various governmental and non-governmental funding sources for youth programs, employment and services;
- (3) assist the City Manager's Advisory Committee on Youth in the creation and updating of an *Agenda for Youth*, a five-year plan containing recommendations for jobs, programs, services and initiatives to benefit youth;
- (4) assist the City Manager's Advisory Committee on Youth in the development of performance measurements and benchmarking criteria to quantify the impact of youth programs;
- (5) assist the City Manager's Advisory Committee on Youth in the development of recommendations to the city manager on legislative initiatives for the benefit of youth;
- (6) advise the city manager and the City Manager's Advisory Committee on Youth on matters affecting youths;
- (7) administer and keep the records of the City Manager's Advisory Committee on Youth; and,
- (8) perform the duties and responsibilities described in section 5(b)(1-11) above.

§15. Advisory Committee On Youth

(a) *Establishment of the City Manager's Advisory Committee on Youth.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the "City Manager's Advisory Committee on Youth" ("committee").

(b) *Membership of the City Manager's Advisory Committee on Youth.* The committee shall consist of fifteen regular members appointed by the city manager for terms of three years, which terms shall be staggered such that no more than five terms shall expire on December thirty-first of each year. The city manager shall designate from the membership of the committee a chair and vice-chair. The members of the committee shall consist of representatives of representatives of the following agencies and entities or, in the event that such agencies or entities are unable to provide representatives, the city manager may select individuals from other organizations as he or she deems appropriate to further the purposes of this provision:

- (1) Common Pathways;
- (2) HOPE Coalition;
- (3) Worcester Interfaith, Inc.;

- (4) Greater Worcester Community Foundation, Inc.;
- (5) Worcester Regional Chamber of Commerce;
- (6) Colleges of Worcester Consortium, Inc.;
- (7) UMASS Memorial Hospitals, Inc.;
- (8) United Way of Central Massachusetts, Inc.;
- (9) Pride Productions, Inc.;
- (10) Worcester Community Action Council, Inc.;
- (11) Central Massachusetts Workforce Investment Board, Inc.;
- (12) Y.O.U, Inc.
- (13) Boys & Girls Club; Boys and Girls Club of Worcester, Inc.;
- (14) Young Women's Christian Association of Central Massachusetts;
- (15) Young Men's Christian Association of Greater Worcester.

(c) *City Representatives of the City Manager's Advisory Committee on Youth.* The city manager may also assign representatives from any city agency under the jurisdiction of the city manager, including the Worcester Department of Public Works and Parks, the Worcester Police Department and the Human Resources Division of the city of Worcester, Workforce Development Operations Division, Workforce Investment Board Division, to serve on the committee ex officio as associate members. The city manager may also request the superintendent of the Worcester Public Schools to assign a member of that department to serve as an associate member of the committee.

(d) *Duties & Responsibilities of the City Manager's Advisory Committee on Youth.* The committee shall:

- (1) assist the youth director in identifying government and non-governmental based programs, employment and services for local youth;
- (2) create, adopt and periodically update a five-year plan to be known as the "Agenda for Youth" which shall contain recommendations for jobs, programs, services and initiatives to benefit youth;
- (3) assist the youth director in the development of performance measurements and benchmarking criteria to quantify the impact of youth programs;
- (4) assist the youth director in the development of recommendations to the city manager on legislative initiatives for the benefit of youth;
- (5) advise the youth director and the city manager on matters affecting youths;
- (6) provide the city manager an annual report stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the matters under its jurisdiction.

§16. Arts Council

(a) *Establishment of the Arts Council.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Arts Council” (“Arts Council”).

(b) *Membership of the Arts Council.* The arts council shall consist of nine members who shall be appointed by the city manager for a term of three years. The terms shall be staggered such that three terms expire on December thirty-first of each year. The city manager shall from time to time designate one of the members of the arts council as its chair.

(c) *Duties & Responsibilities.* The arts council shall:

- (1) promote the cultural affairs of the city;
- (2) conduct studies and research and publish reports on cultural activities;
- (3) cooperate with federal and state cultural agencies;
- (4) advise municipal agencies of cultural matters;
- (5) allocate any funds received by the arts council for cultural projects, programs or activities in accordance with law; and,
- (6) perform such other duties as may be prescribed by law.

§17. Cable Television Advisory Committee

(a) *Cable Television Advisory Committee.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the “Cable Television Advisory Committee” (“committee”).

(b) *Membership of the Cable Television Advisory Committee.* The committee shall consist of seven persons appointed by the city manager for three year terms. The terms shall be staggered such that no more than two terms shall expire on December thirty-first of any year. The city manager shall designate from the membership of the committee a chair and vice-chair.

(c) *Duties & Responsibilities of the Cable Television Advisory Committee.* The committee shall:

- (1) advise and assist the city manager in the performance of the duties and responsibilities vested in the city manager by law as the licensing authority for cable television franchises in the city;
- (2) provide advice concerning public, governmental, educational, and other access programming on cable television;
- (3) meet periodically with the licensee, concerning matters of interest between the licensee, the public, the city manager as issuing authority, and the city;
- (4) report to the city manager regarding compliance by the licensee with the terms and conditions of the license, and to provide advice concerning the same;
- (5) render advice and suggestions concerning local, educational and governmental origination programming;

- (6) supervise the licensee's manner of responding to, and of resolving, complaints by members of the public;
- (7) respond to inquiries by members of the public regarding cable television matters; and,
- (8) provide the city manager an annual report stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the cable television matters under its jurisdiction.

§ 18. Conservation Commission

(a) *Establishment of Conservation Commission.* Under authority of General Laws chapter forty, section eight C, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager a regulatory board of the city to be known as the "Conservation Commission".

(b) *Membership.* The conservation commission shall consist of seven members who shall be appointed by the city manager for a term of three years. The terms shall expire on September thirtieth of each year and shall be staggered such that two terms expire each year for two years and three terms shall expire every third year.

(c) *Duties & Responsibilities.* It shall be the duty and responsibility of the conservation commission to perform all duties prescribed by General Laws, chapter forty, section eight C; the city wetlands ordinance, and, all such other duties as may be prescribed by law.

§19. Historical Commission

(a) *Establishment of the Historical Commission.* Under authority of General Laws, chapter forty C, sections four and fourteen, and chapter forty, section eight D, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the "Historical Commission" ("commission").

(b) *Establishment of Massachusetts Avenue & Montvale Historic Districts.* Under authority of General Laws, chapter forty C, section three, there are hereby established historic districts to be known as the "Massachusetts Avenue Historic District" and the "Montvale Historic District", both being shown on maps bearing their respective titles and on file with the city clerk and made a part hereof.

(c) *Membership of the Historical Commission.* The commission shall consist of six regular members and two alternates appointed for terms of three years by the city manager in accordance with the requirements of the city charter and the provisions of this section. The terms shall be staggered such that two terms of regular members shall expire every December thirty-first. The terms of alternate members shall be staggered such that the terms shall expire on December thirty-first on successive years and none shall expire every third year. One member shall be a resident of the Massachusetts Avenue Historic District and one member shall be a resident of the Montvale Historic District. All members and alternates

shall have demonstrated a special interest, competence or knowledge in historic preservation. To the extent available in the charter appointment districts, members of the commission shall be professionals in the disciplines of architecture, history, architectural history, prehistoric archaeology, historic archaeology, urban planning, American studies, American civilization, cultural geography and cultural anthropology. In case of absence, inability to act or unwillingness to act because of self-interest on the part of any member of the commission, his or her place shall be taken by an alternate member designated by the chair.

(d) *Duties & Responsibilities of the Historical Commission.* To preserve, promote and develop historic assets of the city in accordance with law, the commission shall:

- (1) administer the Massachusetts Avenue Historic District and the Montvale Historic District, and any additional historic districts lawfully established, consistent with General Laws;
- (2) issue certificates of appropriateness, certificates of nonapplicability, and certificates of hardship with respect to construction or alteration of buildings and structures within the historic district when such construction or alteration affects exterior architectural features. Such certificates shall be issued as prescribed in the General Laws, chapter forty C, section six;
- (3) consider factors as prescribed in General Laws, chapter forty C, section seven, in passing upon matters before it;
- (4) issue such certificates, make such recommendations, keep such records and have such powers, functions and duties as are prescribed in General Laws, chapter forty C, section ten, except that officers and employees necessary for the proper administration of the commission shall be appointed and removed by the city manager in accordance with the city charter; and all gifts shall be subject to approval of the city manager and city council;
- (5) call and conduct meetings and to hold such public hearings as are prescribed in General Laws, chapter forty C, section eleven;
- (6) conduct research for places of historic value, to coordinate the activities of unofficial bodies organized for similar purposes, to advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work, and to make such recommendations as are described in General laws, chapter forty C, section eight D;
- (7) propose from time to time to the city manager as it deems appropriate, the establishment in accordance with the provisions of this Article and the General Laws, chapter forty C, section three, of additional historic districts and changes in historic districts;
- (8) determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers, and to arrange for the care of historic markers;
- (9) advise the redevelopment authority, planning board and any other city department or agency in matters involving historic sites and buildings;

- (10) cooperate with and enlist assistance from the National Park Service, the National Trust of Historic Preservation, and other agencies, public and private, concerned with historic sites and buildings;
- (11) advise owners of historic buildings in Worcester on problems and solutions of preservation; and
- (12) perform such other duties as may be prescribed by law.

(e) *Advisory Board to the Historical Commission.* The commission may recommend to the city manager from time to time as needed, appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic restoration or preservation to assist the commission.

(f) *Rules & Regulations of the Historical Commission.* The commission, under the authority of General Laws, chapter forty C, shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of chapter forty C and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business.

(g) *Maintenance & Repair of Properties Under the Jurisdiction of the Historical Commission.* Nothing herein shall be construed to prevent the ordinary maintenance and repair of buildings, structures or grounds within the district nor prevent actions by duly authorized public officers as described in General Laws chapter forty C, section nine.

(h) *Appeals from Decisions of the Historical Commission.* Any applicant aggrieved by a determination of the commission may file a written request with the commission for review by person or persons of competence and experience in such matters designated by the Central Massachusetts Regional Planning Commission as prescribed in the General Laws, chapter forty C, section twelve, and may further appeal such determination to the superior court as prescribed in the General Laws, chapter forty C, section twelve A.

§ 20. License Commission

(a) *Establishment of the License Commission.* Under authority of chapter 461 of the Acts of 1914 and section fifty-four of chapter 444 of the Acts of 1893, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager a regulatory commission of the city to be known as the "License Commission" ("commission").

(b) *Membership.* The commission shall consist of three persons, residents of the city, who shall be appointed by the city manager. The members of the commission shall serve terms of four years, which shall begin on January first and end on December thirty-first four years hence, and shall be staggered as such that no two terms shall expire at the same time. Vacancies shall be filled for the unexpired portion of the term vacated. The city manager shall annually designate one member of the commission as its chair.

(c) *Duties & Responsibilities.* The commission shall have the duty and responsibility to:

- (1) perform all actions and issue licenses authorized by chapter one hundred thirty eight of the General Laws relative to the sale of alcoholic beverages, wines or malt beverages;
- (2) establish reasonable fares for the conveyance of passengers in taxicabs, liveries, or any other truck, wagon or vehicle licensed under these Revised Ordinances;
- (3) conduct hearings and decide questions of the revocation of any taxicab, livery or other vehicle license issued under these Revised Ordinances;
- (4) perform all actions and issue any other license required by the General Laws to be issued by a local license commission;
- (5) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager;
- (6) hear all appeals on decisions made by any licensing authority concerning any license issued under chapter eleven of these Revised Ordinances;
- (7) perform all duties required of it by any other provision of these Revised Ordinances;
- (8) perform any function or take any other action prescribed or authorized by law concerning the issuance of licenses by local licensing authorities; and,
- (9) make and issue rules and regulations in accordance with law for the conduct of its affairs.

§21. Planning Board

(a) *Establishment of the Planning Board.* Under authority of General Laws, chapter forty-one, section eighty-one A, and Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a regulatory board of the city to be known as the "Planning Board".

(b) *Membership of the Planning Board.* The planning board shall consist of five members appointed by the city manager for a term of five years such that one term shall expire on May thirty-first of each year.

(c) *Duties & Responsibilities of the Planning Board.* It shall be the duty and responsibility of the planning board to exercise the authority granted to it by the subdivision control law, and any other applicable general or special law, and the city wetlands ordinance, and any other applicable city ordinance.

§22. Zoning Board of Appeals

(a) *Establishment of the Zoning Board of Appeals.* Under authority of Article Six of the Home Rule Charter and General Laws chapter forty A, section twelve, there is hereby

established under the jurisdiction of the city manager a regulatory board of the city to be known as the “Zoning Board of Appeals” (“zoning board”).

(b) *Membership of the Zoning Board.* The zoning board shall consist of five members appointed by the city manager for terms of five years. The terms of such members shall be staggered such that one term shall expire on December thirty-first of each year. The members so appointed shall be designated regular members at the time of their appointment.

(c) *Associate Members of the Zoning Board.* The city manager shall also appoint two individuals to serve as associate members of the zoning board. The terms of associate members shall be five years and shall expire on December thirty-first. The associate members terms shall be staggered such that the term of the second associate member shall expire on the December thirty-first two years after the expiration of the term of the first associate member.

(d) *Duties & Responsibilities of the Zoning Board.* The zoning board shall:

- (1) hear and decide land use matters properly brought before it under the zoning ordinance of the zoning act, G.L. chapter forty A;
- (2) carry-out the duties and responsibilities vested in the zoning board by the city zoning ordinance;
- (3) exercise the jurisdiction provided by section eighty-one Z of chapter forty-one of the General Laws;
- (4) adopt rules not inconsistent with the zoning ordinance for the conduct of its business and to file a copy of its rules, together with any amendments as they are adopted, with the city clerk;
- (5) elect annually a chair from one of its regular members; and,
- (6) perform such other duties as may be prescribed by law.

Article 4. Department of Administration & Finance

- § 1. Establishment
- § 2. Function
- § 3. Head of Department
- § 4. Authorized Positions
- § 5. Organization of Department
- § 6. Assessing Division
- § 7. Budget Office Division
- § 8. Purchasing Division
- § 9. Technical Services Division
- §10. Treasury and Collections Division

Related Commission:

- §11. Trust Funds Commission
 - §12. Civic Center Commission
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Department of Administration & Finance” (“department”).

§ 2. Function

It shall be the function of the department to direct and coordinate all matters relating to the funds and finances of the city, excepting those under the legal auspices of the city auditor; said functions to include the preparation and management of the city budget, the assessment and collection of all city taxes, excises, betterments, assessments, fees, fines and penalties, the award of contracts for the acquisition of goods, supplies, services and property, the application for grants from any source and the management of the electronic information communications and processing systems.

§ 3. Head of Department

(a) *Department Head.* The department shall be headed by the chief financial officer of the city who shall be appointed by, and serve at the pleasure of, the city manager.

(b) *Duties & Responsibilities.* The chief financial officer shall be responsible for the

performance of the functions of the department and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department and its divisions;
- (2) supervise the personnel in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the financial condition of the city;
- (4) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (5) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (6) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
- (7) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America;
- (8) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department by the city manager and the city council;
- (9) determine the priorities of the department and to prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (10) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager;
- (11) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager; and

- (12) perform building maintenance and management services for public buildings, including City Hall, the DCU Center, Union Station, as may be directed from time to time by the city manager.*

*Amended March 1, 2011 - 9615

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The department shall consist of the chief financial officer, city assessor, city treasurer and collector, purchasing agent, chief information officer, director of grants acquisitions and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the department shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of Department

(a) *Establishment of Divisions.* The department shall be organized into the following divisions for the following purposes:

Assessing Division – to provide tax assessment services for the city;

Budget Office Division – to prepare the city operating and capital budgets, ensure that all expenditures conform such budgets, to provide estimates of the cost of new programs or policy changes and to make projections concerning the financial health of the city and to assist the director in the performance of duties and responsibilities as the of the head of the department and to oversee the preparation and filing of applications for grants funds for all departments of the city;

Purchasing Division - to make the purchases for all departments, boards, commissions and agencies of the city, including the school department;

Technical Services Division - to provide information management and support services to all city agencies including, but not limited to, the planning, analysis, development and support of information systems, including a geographic information system, for all agencies of the city, including the school department as assigned;

Treasury & Collections Division - to receive, collect, manage and disburse all funds of the city in accordance with law.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division in the department, the head of each division shall also have the duty and responsibility to:

- (1) assist the chief financial officer in the performance of the duties and responsibilities of the head of the department and perform such other

duties as may be assigned or requested by the chief financial officer or otherwise prescribed by law;

- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, director of administration & finance, the city auditor or the chief financial officer;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level authorized by the director up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (5) keep the chief financial officer informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
- (6) implement the rules, policies and practices governing the operations of the department as are approved by the chief financial officer; prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the chief financial officer;
- (7) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the chief financial officer;
- (8) make recommendations to the chief financial officer on changing or initiating any policy, operation, program or service to the public;
- (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the chief financial officer; and,
- (10) maintain any property assigned to the division by the chief financial officer.

(c) *Management of Multiple Divisions.* The chief financial officer, with the advice and consent of the city manager, may assign the responsibilities of any two or more divisions to one individual in the service of the department.

§ 6. Assessing Division

(a) *Division Head.* The city assessor shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief financial officer.

(b) *Duties and Responsibilities.* The city assessor shall:

- (1) make an assessment of all the taxable properties in the city and place the list of taxes, together with itemized lists of real estate in duplicate, ready for mailing, with the warrant for the collection of same, in the hands of the city treasurer within thirty days of determining the tax rate in each year and on or before the first day of every ensuing month lists of all additional or supplementary assessments made during the preceding month, together with warrant for their collection;
- (2) prepare lists of the amounts taxes or abatements of taxes, including notations of the amounts thereof which have not been included in any previous statement, and provide copies of those lists to the city treasurer and city auditor
- (3) perform all duties prescribed by the general laws, including chapter fifty-nine, and any special act applicable to the city;
- (4) have care and custody of all books, papers and documents belonging to the division and shall deliver the same to his or her successor in office;
- (5) keep records of all official transactions; and,
- (6) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) *Notices of Exemption or Abatement Eligibility.* The city assessor shall, at the time he commits the tax list to the city treasurer for collection, include therewith a notice to taxpayers containing information in regard to eligibility and requirements for a tax exemption or tax abatement, as follows:

- (1) Such notices shall be made a part of or otherwise included with each tax notice and shall inform taxpayers that they may be eligible to receive a tax exemption or tax abatement if they fall within certain categories as are described within G.L. chapter 59, § 5; that in addition thereto, the said notice shall contain a brief statement that the subject categories as are described by G.L. chapter 59, § 5 include, but are not limited to, the following examples:
 - (A) widows or minor children of a deceased father;
 - (B) veterans with disability rating of ten per cent or more or who have suffered certain injuries or been awarded certain medals for distinguished service; that wives, unmarried widows and surviving parents of certain veterans may also be eligible for an abatement;
 - (C) blind persons;
 - (D) persons over seventy years of age;
 - (E) a spouse of a police officer or firefighter killed in the line of duty;
 - (F) minor children of police officer or firefighter killed in the line of duty if the mother or father of the said children is also deceased;

- (G) persons who are not able to pay taxes due, because of age, infirmity and poverty;
 - (H) certain persons, age sixty-five or over, may be eligible to postpone payment of all or a portion of real estate taxes, when a tax deferral and recovery agreement has been entered into with the city assessor;
 - (I) a person who believes that he has been assessed at more than his just proportion or that the property has been assessed in excess of its fair cash value.
- (2) Said notice in addition to these matters described within subsection shall include therein a brief statement informing taxpayers that applicants for exemption or abatement must meet certain statutory requirements; that such requirements may vary according to the particular exemption or abatement sought; that information concerning eligibility may be obtained from G.L. c. fifty-nine, section five, or by request to the city assessor. That the requirements may include, but are not limited to, the following examples:
- (A) residence and/or domicile within the commonwealth for certain time periods;
 - (B) financial resources within certain prescribed limits;
 - (C) age restrictions as to applicants for certain exemptions or abatements.
- (3) Said notice shall further include a brief statement informing taxpayers that applicants for exemption or abatement are required by law to make application on official forms; said notice shall also include the address and phone number of the office where such forms are available; that by law, such applications are required to be filed within certain time periods; that the specific time for filing applications for the various exemptions or abatements is printed on each tax bill or otherwise include with each tax bill and that further assistance in this regard is available from the city assessor.

§ 7. Budget Office Division

(a) *Division Head.* The chief financial officer shall head the division and shall have the assistance of such other personnel as shall be assigned by the city manager.

(b) *Duties and Responsibilities.* The chief financial officer shall:

- (1) assist the city manager in the preparation, submission and explanation of the annual budget and the five year annual capital outlay program as required by Article 5 of the city charter and with submission and explanation thereof to the city council;
- (2) assist the city manager in the preparation, submission and explanation of any supplemental budget or transfer of appropriation as authorized by article five of the city charter;

- (3) review and approve for the approval of the city manager all purchase orders, requests for personnel and capital expenditure requests;
- (4) keep records of all budget entries and transactions and the activities of the division;
- (5) manage the processing of payroll, purchasing, contracts, and personnel documentation for the department; identify federal, state and private grant programs which could be employed to fund existing or new city operations;
- (6) advise city departments of the eligibility requirements and deadlines and the operational requirements and obligations involved in any grant;
- (7) advise the chief financial officer and the department or division for which the grant is sought of any financial obligations which would be placed upon the city by acceptance of any particular grant;
- (8) assist the department in obtaining the approval of the city manager and city council prior to the filing of any grant application; and,
- (9) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) *Grant Funded Activities.* Whenever a grant has been awarded from any source to further the performance of the duties and responsibilities described in section five hereof, the proceeds of all and any such grants shall be deposited in accounts within the office of the city manager which accounts shall, for financial management purposes, be under the control of the director. Whenever a grant provides funds for an activity which would be properly or ordinarily be performed by any other city agency regardless of the source of funding, that city agency shall be responsible for implementing the activities funded by the grant.

§ 8. Purchasing Division

(a) *Division Head.* The purchasing agent shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief financial officer.

(b) *Duties and Responsibilities.* The purchasing agent shall:

- (1) serve as the chief procurement officer of the city on all transactions unless the city manager has designated otherwise with regard to any particular contract or to any category or categories of contracts;
- (2) administer the provisions of the city charter and the public bidding laws in the award of all city contracts for the purchase of supplies or other personal property, the acquisition of services, the construction, reconstruction, alteration, remodeling or repair of any public work or public building, the purchase or sale of real property, the disposal of real, personal or tangible property, and the retention of design or engineering services, unless otherwise directed by the city manager with regard to any particular contract or to any category or categories of contracts;

- (3) initiate the proper contract award procedure upon the request of the head of any city department, including the school department;
- (4) award the contract, in the case of tie low bids, quality and delivery being equal, to a bidder having a place of manufacture or business in the city, or to a bidder who has already established a satisfactory experience with the city;
- (5) administer the execution of contracts by securing the signatures of the vendor or contractor, the head of the department originating the purchase or transaction, the budget officer or city auditor as the case may be, the city solicitor and the city manager in that order except in the case of public works or public buildings construction contracts where all city signatories shall execute the contract in the order described above prior to the contract being presented to the contractor for signature;
- (6) deliver an original of each city contract once fully executed to the city clerk and copies of the same to the city auditor and the department originating the purchase or other transaction;
- (7) review all invoices prior to payment as may be presented concerning the purchase of goods or supplies by any city department to determine whether the invoice accurately reflects the terms of the contract and that the quantity, quality and delivery of the goods or services complies with the contract;
- (8) keep current on market trends and conditions concerning goods and supplies frequently purchased by the city;
- (9) ascertain from any department such information as may be necessary or useful to supply goods and services to that department, including information necessary to schedule periodic deliveries of supplies or the performance of services; and,
- (10) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) *Emergency Procurement.* In the event of an emergency declared by the city manager, take any action as directed in said declaration or pursuant thereto by the city manager.

(d) *Promulgation of Rules & Allocations of Scarce Commodities.* The purchasing agent may, with the approval of the chief financial officer, promulgate rules of procedure governing the foregoing duties and responsibilities, the purchasing procedures to be followed by city agencies and the allocation of any commodity, including oil, gasoline, paper and road salt, which is in short supply due to extraordinary market conditions and, in such event, any department head aggrieved by any such allocation may appeal to the city manager for a final determination of the allocation of such commodities.

§ 9. Technical Services Division

(a) *Division Head.* The chief information officer shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief financial officer.

(b) *Duties and Responsibilities.* The chief information officer shall:

- (1) organize and implement a centralized information systems center as authorized by the city manager;
- (2) direct, organize, and implement the planning, development and production of information systems, including the integrated municipal information system and the geographic information system;
- (3) direct and control the data operations and personnel of the department;
- (4) coordinate through advice and counsel the data requirements of any other city agency;
- (5) advise the city agencies on information systems matters, including the review of proposed applications or equipment acquisitions;
- (6) provide support services to city agencies, in accordance with the priorities of the city manager;
- (7) maintain and safeguard data, city-wide network, information, programs and equipment of the department;
- (8) establish rules and regulations controlling the access and release of data, including, but not limited to, particular personnel information of municipal employees and other persons and arrest records or similar law enforcement data;
- (9) maintain the confidentiality of any information or data collected or processed by the division except as authorized by the user agency, the chief financial officer or the city manager; and,
- (10) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 10. Treasury and Collections Division

(a) *Division Head.* The city treasurer and collector shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief financial officer.

(b) *Duties and Responsibilities.* The city treasurer and collector shall:

- (1) perform all duties prescribed by chapter forty-one of the General Laws;
- (2) maintain an account of all receipts and disbursements for and on behalf of the city and to conform the same as nearly as may be possible with accounts kept by the city auditor;

- (3) have custody of, and keep a registry thereof, all official bonds, notes, scrip and other certificates of indebtedness, together with coupons issued by the city after they have been paid, except for the fidelity bonds of the city treasurer and any assistant treasurer, which shall be kept by the city auditor;
- (4) render to the city manager annually on or before September thirtieth a detailed statement of all receipts and disbursements for the previous fiscal year;
- (5) negotiate under the direction of the city manager all loans authorized by the city council;
- (6) collect and receive all money due to the city on all accounts and other demands against persons indebted to the city and disburse all sums owed by the city, except as otherwise provided by law or city ordinance;
- (7) collect and administer the laws regarding the payment of fines for parking violations and for civil and criminal violations of city ordinances enforced through the non-criminal disposition process;
- (8) keep and safeguard all books and records of the division;
- (9) deliver to his successor all books, papers, documents and property of the division;
- (10) act as treasurer and custodian of all trust funds of the city and all funds of the Worcester Retirement System;
- (11) administer the affairs of the trust funds commission established by these ordinances and perform all such duties as may lawfully be required by the commission; and,
- (12) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) *Receipt of Payments Other Than At The Treasury.* Departments, divisions, boards and commissions, when authorized in writing by the city manager, may process the receipt of payments for services they render and the receipts given by such departments at the time of any such payment shall be sufficient to establish the valid discharge of the debt due the city. Otherwise, only the receipt of the city treasurer shall be sufficient to establish the valid discharge of any debt due the city. Any departments, etc., so authorized, shall make returns of all such collections to the treasurer and render accounts of their collections to the city auditor. The treasurer shall determine the form, manner and time of all such returns and the city auditor shall determine likewise for all such accounting.

(d) *Payments Only Upon Appropriation.* No money shall be paid out of the city treasury by the treasurer except by appropriation order of the city council, or to satisfy final judgments against the city, unless the expenditures or the terms of the contract shall have been approved or certified by the chair of the board or by the officer heading the department or division authorized to incur the expenditure or make the contract or unless the same shall have been approved by and the warrant therefor shall have been drawn by the city manager. No other person shall pay any bill of any department or division.

(e) *Fidelity Bonds.* The treasurer, acting solely in his or her capacity as city treasurer, shall give a bond to the city in accordance with chapter forty-one, section thirty-five of the General Laws. The city treasurer, acting solely as collector of taxes, shall give a separate bond to the city acceptable to the commissioner of revenue.

§ 11. Trust Funds Commission

(a) *Establishment of the Trust Funds Commission.* Under authority of General Laws, chapter forty-one, section forty-five, and Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the "Trust Funds Commission" ("commission").

(b) *Membership.* The commission shall consist of three commissioners who shall be appointed by the city manager for three year terms. The terms shall be staggered such that one term shall expire on January thirty-first each year.

(c) *Duties and Responsibilities.* The commission shall:

- (1) manage all trust funds given or bequeathed for the benefit of the city inhabitants thereof in accordance with the terms of each trust, unless the gift or bequest shall otherwise provide, including the "William A. Richardson Park Fund", the Jaques Fund and any other fund held by the city for the benefit of the former city hospital; provided, however, that any trust fund given or bequeathed to the city for the benefit of the Free Public Library, whether now existing or given in the future, shall be managed by the board of directors of the Free Public Library unless the trust should provide otherwise;
- (2) adopt regulations governing its affairs, which regulations shall provide that any investment decision made by the commission shall be effective only if approved by at least two of the trustees;
- (3) distribute the income in accordance with the terms of the respective trust;
- (4) have care, custody and control of all the remaining property, real, personal, mixed, which had been received, or shall hereafter be received, directly or indirectly by gift, bequest or otherwise, for the benefit of the former city hospital, except as otherwise provided by such gift, devise, or deed or otherwise;
- (5) have the full power and authority to negotiate and make sale of any real estate now held by the city for the use and benefit of the former city hospital, and all real estate which has been or may be hereafter granted, conveyed or devised to the city for the use benefit of the city hospital, unless conditions are connected with the conveyance, devise or gift inconsistent therewith, and all real estate which may at any time become the property of the city through any investments made by authority of this section, and for the time being not in use for hospital purposes, in such quantities, at such times, and upon such terms as they shall regard the most advantageous to the interest of all parties interested in the funds,

provided that, any conveyance of real estate so sold shall be valid only by deed executed by the city manager and assented to by the commission;

- (6) invest from time to time all monies which shall hereafter be derived from the sale of real estate or personal property given, granted or bequeathed for the benefit of the city hospital, in the same securities and in the same manner provided by the statutes of the commonwealth for the management and investment of deposits in savings banks; provided, that no part of the money or property shall be invested in the bonds, scrip or other obligations of the city;
- (7) pay over to the city treasurer when appropriate all monies hereafter received as income from any property heretofore granted, bequeathed or conveyed, for the benefit of the former city hospital, whether as rents, interest, or otherwise, unless conditions connected with the bequest or gift is inconsistent therewith, after deducting such sums as may be expended by them in necessary repairs upon the property and such sums as may be otherwise necessarily expended by them in the performance of their duties, and the city treasurer's receipt therefor shall be a sufficient voucher for such payments;
- (8) seek the advice and representation of the city treasurer and city solicitor whenever it appears reasonable or necessary to obtain judicial approval for the use of any trust funds, including former city hospital funds, for other public purposes;
- (9) perform all duties prescribed by chapter forty-one, section forty-seven of the General Laws;
- (10) keep full records of its doings and of the investments showing in detail the sources of receipts and the items of expenditure;
- (11) make annual reports to the city manager of its doings and stating the condition of each trust fund under its care; and,
- (12) perform such other duties as may be prescribed under law.

(d) *Custodian of the Trust Funds.* The city treasurer shall be the custodian of all funds and securities of such trust funds and shall invest and reinvest them and monies therefrom as directed by the commission. The city treasurer shall collect the income earned by the trust funds and each month shall turn over such income to the city to be spent in the manner provided for by the terms of the gift or bequest upon the draft of the city manager, countersigned by the city auditor, in the same manner as other monies are disbursed.

§ 12. Civic Center Commission – Amended March 1, 2011 - 9615

(a) *Establishment.* Under authority of chapter 216 of the Acts of 1976, as amended, and Article X, § 10-6(a)(2), of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Civic Center Commission” (“commission”).

(b) *Membership.* The commission shall consist of five persons, residents of the city, who shall be appointed by the city manager with the approval of the city council. The members of the commission shall serve for terms of five years. The terms shall be staggered such that one term expires on October fourth of every year. The chair of the commission shall be designated by the city manager.

(c) *Duties & Responsibilities.* The board shall:

- (1) have care, custody and control of the arena and convention center facility known as the "DCU Center" and such other facilities as the city council may from time to time place under the care, custody and control of the commission;
- (2) perform and exercise the authority granted by the duties prescribed in chapter 216 of the Acts of 1976; and,
- (3) adopt rules and regulations in accordance with law for the conduct of its affairs and the operation of any facility under its care, custody and control; and,
- (4) perform such other duties as may be prescribed by law.

Article 5. Department of Public Works and Parks

- § 1. Establishment
- § 2. Function
- § 3. Head of Department
- § 4. Authorized Positions
- § 5. Organization of Department
- § 6. Administration & Finance Division
- § 7. Operations Division
- § 8. Engineering & Architectural Services Division
- § 9. Parks Division

Related Boards and Commissions*:

- §10. Designer Selection Board
- §11. Hope Cemetery Board
- §12. Lincoln Square Memorial Board
- §13. Memorial Auditorium Board of Trustees
- §14. Off-Street Parking Board*
- §15. Parks & Recreation Commission

***(Article 5 was amended by removing Civic Center Commission March 1, 2011 – 9615 and Conservation Commission August 9, 2011 – 9654 which renumber the remaining sections)**

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Department of Public Works and Parks ” (“department”).

§ 2. Function

It shall be the function of the department to manage and perform capital facility improvement projects and to provide city residents, businesses and visitors with fundamental environmental and transportation services in the form of clean water, the disposal and recycling of household goods and rubbish, effective sanitary and storm sewers and safe bridges, highways, streets and sidewalks.

§ 3. Head of Department

(a) *Department Head.* The department shall be headed by the commissioner of public works and parks (“commissioner”) who shall be appointed by, and shall serve at the pleasure of, the city manager.

(b) *Duties and Responsibilities.* The commissioner shall be responsible for the performance of the functions of the department and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department and its divisions;
- (2) supervise the personnel in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the financial condition of the city;
- (4) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (5) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (6) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
- (7) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (8) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department, or any of its divisions, by the city manager and the city council;
- (9) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (10) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in

accordance with the format prescribed and the directives issued by the city manager;

- (11) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager;
- (12) represent the city as a member of the Upper Blackstone Water Pollution Abatement District; and,
- (13) perform all duties prescribed by chapter two hundred ten of the acts of 1939, as amended, except as may be otherwise provided.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The department shall consist of the commissioner and include an assistant commissioner of administration & finance, an assistant commissioner of operations, an assistant commissioner of engineering & architectural services, an assistant commissioner of parks, and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the department shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of Department

(a) *Establishment of Divisions.* The department shall be organized into the following divisions for the following purposes:

Administration & Finance Division – to manage the finances of the department and to assist the commissioner in the performance of duties and responsibilities as the head of the department;

Operations Division – to operate and manage the fresh water supply and sanitary and storm sewer facilities and systems of the city; to provide sanitation and hazardous waste collection programs; to manage and maintain all highways, streets, sidewalks and bridges belonging to the city, including related snow removal and pavement marking operations; and, to manage central garage and other miscellaneous activities of the department.

Engineering & Architectural Services Division – to provide engineering services for streets, sidewalks, bridges, water and sewer programs, conservation commission and other permitting issues and for other city capital facility projects as directed; to develop and manage the regulations governing traffic and parking in the city and city-owned parking facilities and provide traffic planning analysis and recommendations.

Parks Division – to manage, maintain, develop and improve the parks, recreation and forestry facilities of the city and to operate and maintain Hope Cemetery as a facility for public and private internments.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division in the department, the head of each division shall also have the duty and responsibility to:

- (1) assist the commissioner in the performance of duties and responsibilities of the head of the department and perform such other duties as may be assigned or requested by the commissioner or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the commissioner;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level authorized by the commissioner up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (5) keep the commissioner informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
- (6) recommend to the commissioner implementing the rules, policies and practices governing the operations of the department as are approved by the commissioner; prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the commissioner;
- (7) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the commissioner;
- (8) make recommendations to the commissioner on changing or initiating any policy, operation, program or service to the public;
- (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the commissioner; and,
- (10) maintain any property assigned to the division by the commissioner.

(c) *Management of Multiple Divisions.* The commissioner, with the advice and consent of the city manager, may assign the responsibilities of any two or more divisions to one

individual in the service of the department, said individual may be a division head with responsibility for one or more divisions or an assistant or deputy commissioner with responsibility for more than one division head.

§ 6. Administration & Finance Division

(a) *Division Head.* The assistant commissioner of administration & finance of the department shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties and Responsibilities.* The assistant commissioner of administration & finance of the department shall:

- (1) operate the customer service center, a central office for the processing of citizen service requests for city services of all types and from all departments, including services delivered during emergencies;
- (2) manage the processing of payroll, purchasing, contracts, and personnel documentation for the department;
- (3) manage and administer landfill and solid waste issues;
- (4) manage and administer correspondence and reporting to the city manager and other city departments and outside agencies;
- (5) assist the commissioner in the performance of his or her duties and responsibilities as the of the head of the department; and,
- (6) perform the duties and responsibilities listed in section 5(b)(1-10) above.

§ 7. Operations Division

(a) *Division Head.* The assistant commissioner of operations shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties and Responsibilities.* The assistant commissioner of operations shall:

- (1) manage, maintain, construct, repair and replace all reservoirs, dams, watershed protection interests, and filtration facilities of the city;
- (2) ensure that the water supplied by the city complies with all state and federal water quality standards;
- (3) construct, maintain, repair and replace city sanitary and storm sewers, drains, pump stations and sewage treatment facilities;
- (4) perform catch-basin cleaning, pumping station maintenance, inspection and diagnosis of the sewer systems, general infrastructure maintenance, easement maintenance and clearing and flood control, including street drainage;

- (5) ensure that the discharges from the sewer and storm drains of the city comply with all state and federal water quality standards;
- (6) represent the city as a member of the Upper Blackstone Water Pollution Abatement District; and,
- (7) collect, recycle and dispose of household waste products programs of the city
- (8) maintain and repair city vehicles;
- (9) construct, maintain, repair and replace city highways, bridges, streets and sidewalks, including street lighting;
- (10) manage and maintain all highways, streets, sidewalks and bridges belonging to the city, including all snow removal activities related thereto;
- (11) keep a separate record of the names of all streets which shall be accepted, laid out and established;
- (12) keep a record of all sidewalks that now are or hereafter may be laid out and established by the city council, including the width, height and grade of the same and setting boundaries and measurements thereof, with the date of such laying out;
- (13) administer the collection, recycling and disposal of household solid waste programs of the city, including the distribution and sale of approved trash disposal bags, recycling bins and the like;
- (14) implement, enforce and propose changes to the policies, practices, ordinances and laws governing the collection, recycling and disposal of household solid waste;
- (15) organize and operate bulk collection, household hazardous waste collection and educational programs;
- (16) have charge of all traffic control devices, signage and on-street parking control facilities and equipment;
- (17) maintain the parking ordinance schedules of the city;
- (18) enforce the parking ordinances of the city with the issuance of parking violation notices by civilian personnel;
- (19) maintain a traffic control plan for the city and make recommendations on any proposal which may affect such a plan;
- (20) serve as the clerk and otherwise administer the operations of the off-street parking board; and,
- (21) perform the duties and responsibilities listed in section 5(b)(1-10) above.

(c) *Pavement Markings.* The director of traffic engineering, with the approval of the commissioner, shall have authority to locate, place and designate on public highways, within the city, such pavement markings on highways as he or she shall deemed necessary, proper and expedient, but in accordance with section two of chapter eighty-five of the General Laws, in addition to those markings that the city council shall from time to time ordain.

§ 8. Engineering & Architectural Services Division

(a) *Division Head.* The assistant commissioner of engineering & architectural services shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties and Responsibilities.* The assistant commissioner of engineering & architectural services shall:

- (1) provide engineering services, make all surveys, measurements, levels and estimates and keep all plans for all highways, streets, sidewalks, parks, recreation facilities, bridges, dams, the sewer systems, the watershed and water filtration and distribution systems, recycling and waste disposal facilities, hope cemetery and other engineering structures that may be under the care, custody and control of the department;
- (2) develop, implement, manage and conduct capital projects for any city facility under the care, custody and control of the commissioner and, when requested by the commissioner, for any other city facility, or any group thereof as determined by the city manager, including those now under the care, custody and control of the Worcester Redevelopment Authority, Worcester Regional Airport Commission, the Civic Center Commission, the Memorial Auditorium Trustees, the Lincoln Square Memorial Trustees; and, the Elder Affairs Commission (senior center);
- (3) administer the award and implementation of contracts concerning any capital project; provided, however, that in the case of any such contract involving property under the care, custody and control of any city officer, agency, board of commission, other than the department of public works and parks, no such contract shall be presented for the approval of the commissioner and city manager unless the assistant commissioner of engineering & architectural services has received a written authorization from the chief financial officer that sufficient funds have been appropriated either to the department of public works and parks, or the department, agency, board or commission with care of the facility;
- (4) provide architectural design and construction management services on any city capital facility project, such services to include:
 - (A) the preparation of construction plans and specifications in compliance with all applicable building and engineering codes and engineering and architectural standards;
 - (B) the preparation and filing of applications for any and all permits and approvals necessary to implement and complete any capital facility project;
 - (C) the administration of the public bidding laws for the award of capital facility improvement contracts
 - (D) the preparation of feasibility studies, master plans, building programs, engineering studies, environmental assessments, cost estimates, conceptual design and design development plans and the like; and,

- (E) construction management services as defined in chapter one hundred ninety-three of the acts of two thousand and four.
- (5) serve as the clerk and keeper of the records of the designer selection board;
- (6) maintain the parking ordinance schedules of the city;
- (7) enforce the parking ordinances of the city with the issuance of parking violation notices by civilian personnel;
- (8) maintain a traffic control plan for the city and make recommendations on any proposal which may affect such a plan;
- (9) serve as the clerk and otherwise administer the operations of the off-street parking board;
- (10) serve as the clerk and keeper of the records of the conservation commission; and,
- (11) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) *Consultation with Disabilities Commission.* At the earliest practical stage in any capital project, the assistant commissioner of operations, or his or her designee, shall review the plans for any such project with the commission of disability established by these ordinances to explain the compliance of the plans with architectural access regulations and codes and to ascertain whether any changes in such plans are feasible to improve building and facility access beyond that which said regulations and codes may require.

§ 9. Parks Division

(a) *Division Head.* The assistant commissioner of parks shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties and Responsibilities.* The assistant commissioner of parks shall:

- (1) maintain and manage all of the city parks and playgrounds, **including the common***, together with such other properties and facilities as may be placed under the responsibility of the division;
- (2) issue, under general regulations adopted by the parks and recreation commission, permits and licenses for the use of the parks, recreation and other facilities under the care of the division;
- (3) inform the public about the parks and recreation programs and systems;
- (4) have charge of Green Hill Golf Course facility and operate it as an enterprise on behalf of the city;
- (5) maintain and manage Hope Cemetery;
- (6) supervise the conduct of internments;

- (7) apply funds deposited with the city treasurer for the preservation, care, improvement or embellishment of any public burial place in accordance with law; and,
- (8) administer and serve as the keeper of the records of the Parks & Recreation Commission and the Hope Cemetery Commission; and,
- (9) perform the duties and responsibilities listed in section 5(b)(1-10) above.

***Amended March 1, 2011 - 9615**

§ 10. Designer Selection Board

(a) *Establishment of the Designer Selection Board.* Under authority of Article Six of the Home Rule Charter and in compliance with General Laws chapter seven, section thirty-eight K, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Designer Selection Board” (“board”).

(b) *Membership.* The board shall consist of five regular members and three alternate members designated by the city manager from existing regular employees of the city. The city manager shall from time to time select one member to be the chair.

(c) *Duties & Responsibilities.* The board shall have the duty and responsibility to carry-out the selection procedures adopted by executive order of the city manager relative to the award of design services contracts as required by G.L. chapter seven, section thirty-eight A and one-half and to perform such other duties and assignments as the city manager may request.

§ 11. Hope Cemetery Commission

(a) *Establishment of Hope Cemetery Board.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the “Hope Cemetery Board” (“board”).

(b) *Membership.* The Hope Cemetery Board shall consist of five members appointed by the city manager for three year terms. The terms shall be staggered such that two terms shall expire on December thirty-first for two successive years and one term shall expire on December thirty-first every third year.

(c) *Duties & Responsibilities.* It shall be the duty and responsibility of the board to advise and make recommendations to the city manager and the Commissioner of Parks on matters affecting Hope Cemetery, including the use of Cemetery land and the conduct of internments.

§ 12. Lincoln Square Memorial Board

(a) *Establishment.* Under authority of General Laws chapter forty-one, section one hundred five, and Article Six of the Home Rule Charter, there is hereby established under the

jurisdiction of the city manager an executive board of the city to be known as the “Board of Trustees for the Lincoln Square Memorial” (“board”).

(b) *Membership.* The board shall consist of five members appointed for three year terms by the city manager. The terms shall be staggered such that two terms shall expire on August thirty-first of two consecutive years and one term shall expire on August thirty-first of the following year.

(c) *Duties & Responsibilities.* The board shall have care, custody and control of the Lincoln Square Memorial for the men and women who served in the First World War for the United States of America and perform such other duties as may be prescribed by law.

§ 13. Memorial Auditorium Board of Trustees

(a) *Establishment.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Memorial Auditorium Board of Trustees” (“board”).

(b) *Membership.* The board shall consist of five persons, residents of the city, who shall be appointed by the city manager for terms of five years staggered such that one term expires on November eleventh of every year. No more than three members of the board shall be veterans. The chair of the commission shall be designated by the city manager.

(c) *Duties & Responsibilities.* The board shall:

- (1) have care, custody and control of the Memorial Auditorium as a memorial to the inhabitants of the city who served in the armed forces during times of war;
- (2) perform and exercise the authority granted by chapter forty-one, section one-hundred and five, of the General Laws, or any such other duties as may be prescribed by law; and,
- (3) adopt rules and regulations in accordance with law for the conduct of its affairs and the operation of the Memorial Auditorium.

§ 14. Off-Street Parking Board

(a) *Establishment of the Off-Street Parking Board.* Under authority of chapter 365 of the Acts of 1955 and Article Ten, § 10-6(a)(3), of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Off-Street Parking Board” (“board”).

(b) *Membership.* The board shall consist of five members appointed by the city manager for staggered terms of four years each. The terms shall be staggered such that one term shall expire every June thirtieth for four successive years and no term shall expire every fifth year. The city manager shall designate the chair of the board.

(c) *Duties & Responsibilities.* The board shall:

- (1) have care, custody and control of the off-street parking facilities of the city, which shall include surface parking lots (including meters), parking structures and parking garages;
- (2) set the fees for the use of off-street parking facilities at such rates that the revenue therefrom shall be adequate to cover the expenses of the city for off-street parking, as defined in chapter 365, Acts of 1955, as amended;
- (3) promulgate rules and regulations regarding the use and operation of the off-street parking facilities under its care, custody and control; and,
- (4) perform such other duties as may be prescribed by law.

(d) *Deposit of Receipts.* Unless otherwise provided by law, receipts from the use of off-street parking facility shall be collected and deposited with the city treasurer, who shall keep the same in a separate account known as the off-street parking fund to be expended in accordance with law.

§ 15. Parks And Recreation Commission

(a) *Establishment of the Parks & Recreation Commission.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Parks & Recreation Commission” (“commission”).

(b) *Membership.* The commission shall consist of seven members appointed by the city manager for three year terms. The terms shall be staggered such that two terms shall expire on April thirtieth for two successive years and three terms shall expire on April thirtieth every third year. The commission shall perform the duties and exercise the authority prescribed by law; provided, that the commission shall have no authority over matters involving Hope Cemetery.

(c) *Duties & Responsibilities.* The commission shall:

- (1) have general superintendence over the public parks and playgrounds of the city, including the golf course at Green Hill;
- (2) promulgate rules and regulations governing the use of the parks, playgrounds and facilities under its general superintendence as such authority is granted by the General Laws chapter forty-five, section five;
- (3) make reports and recommendations to the commissioner concerning the acquisition of new parks and playgrounds; and,
- (4) perform such other duties as may be prescribed by law.

Article 6. Police Department*

- § 1. Establishment
- § 2. Function
- § 3. Head of Department
- § 4. Authorized Positions
- § 5. Records of Persons Arrested
- § 6. Duties at Fires
- § 7. Assistance to Other Cities and Towns
- § 8. Auxiliary Police
- § 9. Special Police Officers
- §10. Constables
- §11. Excusing Members from Duty
- §12. Holiday and Overtime Pay
- §13. Off-Duty Employment of Police Officers
- §14. Uniforms and Vehicles
- §15. Rules and Regulations

***Amended August 9, 2011 - 9654**

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Police Department” (“department”).

§ 2. Function

It shall be the function of the department to provide law enforcement and police services for the city except as otherwise provided for in the Civil Defense Act, chapter 639, Acts of 1950, and to provide and maintain public safety communications services for the city.

§ 3. Head of Department

(a) *Department Head.* The department shall be headed by the chief of police (“chief”) who shall be appointed by, and shall serve at the pleasure of, the city manager, unless otherwise provided by law.

(b) *Duties and Responsibilities.* The chief shall be responsible for the performance of the

functions of the department and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department;
- (2) manage the budget for the department, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer or the city auditor;
- (3) administer the award and implementation of contracts concerning matters under the responsibility of the department and payable from funds appropriated to the department;
- (4) enforce all laws, ordinances, rules and regulations affecting the public;
- (5) receive and answer complaints of violations of law, ordinances, and rules and regulations affecting the public;
- (6) supervise and direct the officers and civilians in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (7) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the peace, security and good order of the city;
- (8) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (10) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
- (11) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager;
- (12) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (13) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has

been, or may be, allocated to the department by the city manager and the city council;

- (14) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (15) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager;
- (16) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager; and,
- (17) perform all duties prescribed by chapter forty-one, section ninety-eight of the General Laws and the rules and regulations of the department.

(c) *Conflict with State Law.* Nothing in this section shall be deemed to conflict with the General Laws or abridge the powers and authority vested by the city charter in the city manager as the chief conservator of the peace of the city.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The department shall consist of the chief of police and such deputy police chiefs, captains, lieutenants, sergeants and other officers and civilian employees as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Duties and Responsibilities of Deputy Chiefs and Subordinate Officers.* The deputy chiefs of police shall aid the chief in the performance of the duties and responsibilities prescribed by this section and shall perform any lawful act directed or commanded by the chief. All other officers of the department shall perform any lawful act directed or commanded by their superiors, in accordance with the rules and regulations of the department.

(c) *Manner of Appointment.* Each position in the department shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

(d) *Inspectors of Animals.* Inspectors of animals shall be appointed annually by the city manager for a term of one year in accordance with the General Laws, chapter one hundred twenty nine, section fifteen, and shall be under the responsibility of the chief of police.*

***Amended May 19, 2009**

§ 5. Records of Persons Arrested

The chief shall cause to be kept at police headquarters a complete descriptive list of each and every person arrested. Such list shall contain the arrested person's name, address, nativity, age, height, complexion, weight, color of hair and eyes, the amount of money and a list of other valuables found on such person, all offenses for which he or she has been arrested and any other information that the chief may deem appropriate. All of the above shall be entered and indexed in a book to be furnished by the city. Said book shall be delivered by each chief to his or her successor in office.

§ 6. Duties at Fires

(a) It shall be the duty of the department to aid the fire department by giving alarms in case of fire and clearing the streets and grounds in the immediate vicinity of the fire, so that the members of the fire department shall not be hindered in the performance of their duties.

(b) The officers of the department shall have the authority to rope off the streets and grounds in the vicinity of a fire or any other catastrophe or emergency and to prevent all persons, except members of the fire department and other emergency personnel, from passing inside the lines.

§ 7. Assistance to Other Cities and Towns

The chief is authorized to extend such aid as he may deem necessary to another city or town at the request of the city or town in suppression of riots and other forms of violence therein, provided, however, the chief shall receive prior approval of the city manager before extending assistance outside the greater Worcester area.

§ 8. Auxiliary Police

The city manager may appoint members of the auxiliary police as "special police officers," and the department may contract, subject to appropriation by the city council and upon approval of the city manager, for the voluntary service of said members of the auxiliary police and for the purchase of appropriate insurance coverage for such members while on duty and under the direction of the chief.

§ 9. Special Police Officers

The city manager may appoint special police officers for a term of a calendar year, and he may remove the same at any time. Special police officers shall have and exercise police powers only for the area designated by the city manager and shall be subject to such conditions

as the city manager shall establish. No special police officer shall carry a weapon while on duty unless he has received special permission to do so by the chief. An application fee of fifteen dollars shall be paid by any person who applies for appointment as a special police officer.

§ 10. Constables - (Amended February 23, 2010 – 9448)

(a) The city manager may appoint constables pursuant to the requirements of G.L. chapter forty-one, sections ninety-one and ninety-one B, for terms of three years in accordance with this section. commencing on January first of any given year. No person who is not a resident of the city shall be eligible for appointment as a constable; provided, however, that the foregoing provision shall not apply to regular full-time employees of the city who are required by the terms of their employment with the city to become constables. The city manager shall, from time to time, as public good may require, establish the number of constables to be appointed in the city. The chief shall investigate each applicant's fitness and qualifications under law for appointment as a constable. Any applicant seeking appointment or reappointment shall pay an application fee which shall be established by the chief from time to time. Each constable shall give a bond to the city for the term of their appointment in the amount required by the city, with sureties approved by the city, and shall file the bond, with the approval of the city manager endorsed thereon, with the city clerk.

(b) In order to transition from a one-year term to a three-year term, the chief shall by lottery divide all persons seeking constable appointments for calendar year 2011 and beyond into three classes with one class to be appointed for one year, the second class to be appointed for two years and the third class to be appointed for three years. Thereafter, all constable appointments shall be for three years. **Note: This subsection will expire on January 1, 2014 see #9448)**

§ 11. Excusing Members from Duty

The time and manner of excusing members of the department from duty shall be determined by the chief. A member so excused shall be exempt from duty and from attendance at a police station or other place, but otherwise shall be subject to all laws and rules and regulations relating to the members of the department. The chief shall have authority, whenever, in his or her judgment, any public emergency or any unusual demand for the services of the police requires, to prevent any members of the department from taking time off when the member is entitled thereto at the time assigned therefor, or to recall such uniform members back to duty for such duration and to such extent as the chief deems necessary.

§ 12. Holiday and Overtime Pay

For the purpose of computing holiday pay and overtime pay due police officers in accordance with the provisions of General Laws, chapter one hundred forty-seven, sections seventeen A and seventeen C, the words "police officer" shall be construed to include police chief, deputy chiefs, captains, lieutenants, sergeants and patrol officers.

§ 13. Off-Duty Employment of Police Officers

No police officer shall, during his or her off-duty hours, enter the employ of any person, firm, corporation, or engage in any gainful occupation without the express written permission of the chief. In granting of any such permission, the chief shall first determine that:

- (1) such employment or occupation will not impair the police officer's efficiency as a police officer;
- (2) such employment or occupation is not incompatible with his employment as a police officer nor tend to bring into disrepute the department; and,
- (3) such employment or occupation will not seriously impair or affect the employment of others engaged in like employment or occupation.

§ 14. Uniforms and Vehicles

The chief shall determine and authorize the type, style and color of uniforms of members of the police department and the color schemes, insignia, lighting attachments and identification of all motor vehicles of the police department; and, except as otherwise provided by law, no person shall wear a similar uniform or drive a similar motor vehicle that gives the impression of an official Worcester police uniform or motor vehicle. Uniforms and motor vehicles of any private police, security police, special police, civilian watchman, private guards, animal guards or other private persons, with or without police powers, including charitable or business corporations, that come within the above prohibition may be worn or driven if the use of such uniform or motor vehicle is approved in writing by the chief.

§ 15. Rules and Regulations

The city manager shall promulgate rules and regulations as may be deemed necessary for the department and its personnel.

Article 7. Emergency Communications Department

(Entire text of Article 7 was deleted and a new Article 7 was inserted May 19, 2009 - 9310)

- § 1. Establishment
 - § 2. Function
 - § 3. Head of Department
 - § 4. Authorized Positions
 - § 5. Organization of the Office
 - § 6. Emergency Communications Division
 - § 7. Emergency Management Division
 - § 8. Declarations of Emergencies
 - § 9. Licenses
 - § 10. Conflict with State Law
 - § 11. Regulations
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Emergency Communications Department” (“department”).

§ 2. Function

It shall be the function of the department to provide and maintain public safety communications services and administer the emergency response management functions of the city including the Metropolitan Medical Response System and biological hazard unit.

§ 3. Head of Department

(a) *Department Head.* The department shall be headed by a director of emergency communications (“director”), who shall be appointed by and shall serve at the pleasure of the city manager.

(b) *Duties & Responsibilities.* The director shall be responsible for the performance of the functions of the department and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department;
- (2) manage the budget for the department, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer or the city auditor;
- (3) administer the award and implementation of contracts concerning matters under the responsibility of the department and payable from funds appropriated to the department;
- (4) supervise and direct the employees in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (5) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the peace, security and good order of the city;
- (6) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (7) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (8) identify, acquire, maintain and renew any license necessary or useful in carrying out the duties and responsibilities of this section;
- (9) administer the department and its employees and, to inform the heads of city departments or divisions whenever employees of such departments or divisions fail to comply with applicable laws, regulations, training or practices required or recommended by the department;
- (10) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (11) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department by the city manager and the city council;

- (12) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager; and,
- (13) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager;
- (14) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager.

§ 4. Authorized Positions

The department shall consist of the director and such other personnel as the city council, with the advice of the city manager, shall from time to time authorize.

§ 5. Organization of the Office

(a) *Establishment of Divisions.* The department shall be organized into two divisions for the following purposes:

Emergency Communications Division - to provide and maintain public safety communications services and administer the emergency response management functions of the city;

Emergency Management Division - to administer the emergency response management functions of the city.

(b) *Management of Divisions.* The duties and responsibilities of division heads described in this section shall be performed by the director until such time as the city council, with the advice and consent of the city manager, might establish and fund any one or more separate division head positions under the table of authorized positions for the department, the annual budget and the salary ordinance. The director, with the advice and consent of the city manager, may assign the responsibilities of both divisions to one individual in the service of the department.

(c) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated in this section for each division of the department, the head of each division shall also have the duty and responsibility to:

- (1) assist the director in the performance of the duties and responsibilities of the head of the department and perform such other duties as may be assigned or requested by the director or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the director;

- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the division, recommending promotions and honors and disciplining personnel at any level authorized by the director up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (5) keep the director informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
- (6) recommend to the director and implement the rules, policies and practices governing the operations of the division as are approved by the director;
- (7) prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the director;
- (8) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the director;
- (9) make recommendations to the director on changing or initiating any policy, operation, program or service to the public;
- (10) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the director; and,
- (11) maintain any property assigned to the division by the director.

§ 6. Emergency Communications Division

The director shall be responsible for the operation and coordination of the emergency communications services of the department and shall:

- (a) operate and maintain a central communications center for all public safety communications, keep audio recordings of emergency telephone activity and public safety radio transmissions, and make the same available to public safety agencies as their needs might require;
- (b) provide and maintain radio and telecommunications and services and facilities for all city departments and agencies including the school department;
- (c) allocate and assign various portions of the radio and telecommunications facilities of the city to the various city departments and agencies;

- (d) ensure compliance with all state or federal laws and regulations concerning the radio and telecommunications facilities and services provided by the department.

§ 7. Emergency Management Division

The director shall be responsible for the operation and coordination of the emergency management functions of the department and shall:

- (a) administer the emergency response management functions of the city;
- (b) act as the agent of the city manager in the preparation, planning, organization, maintenance, administration and operation the emergency response management and civil defense duties and activities of the city as the same may be authorized or required by law, including chapter 639 of the Acts of 1950 and any regulations promulgated thereunder, or any declaration of emergency issued by the city manager under section eight of this article, or by the governor of the commonwealth or the president of the United States as provided by law;
- (c) administer, manage and incorporate into emergency response management and planning the Metropolitan Medical Response System/biological hazard unit formerly associated with the division of public health and in so doing to seek the advice and counsel of the commissioner of public health;
- (d) develop, test, maintain, and document procedures and protocols for the coordination of state, local and federal agencies responding to any emergency as described herein;
- (e) develop, test, maintain, and document interoperability communications protocols for the coordination of state, local and federal agencies responding to any emergency;
- (f) provide training in emergency response matters for members of the department, members of other city departments, employees of any other city or town in Worcester County, volunteers and the public in general;
- (g) manage, operate and maintain the emergency operations center (E.O.C.);
- (h) maintain an inventory of equipment and supplies which would be required during any emergency response;
- (i) maintain liaison with the state and federal civil defense and emergency management agencies and cooperate with such agencies in carrying out the national program for civil defense and the state program for emergency management;
- (j) maintain complete records of all matters relating to any response to any such emergency, including records of all expenditures for salaries, overtime, supplies, services and equipment made or incurred as part of any such response;

- (k) take any and all actions necessary and proper to implement any provision of any declaration of emergency issued by the city manager under section eight of this article, or by the governor of the commonwealth or the president of the United States as provided by law;
- (l) perform such other duties as may be prescribed by the city manager.

§ 8. Declarations of Emergencies

(a) Whenever any natural disaster, heavy snow or ice storm, drought, or fire, or chemical, biological and nuclear accident or attack, or riot, mob or other act of lawlessness or civil disorder, endangers the health, safety and good order of persons or property within the city, the city manager may declare a state of emergency. Any such declaration shall state the reasons for its issuance, the geographic area governed, what property or types of property may be appropriated to respond to the specified emergency and the extent to which ordinarily lawful activity shall be prohibited or impaired. The city manager shall, as soon as practicable, transmit any such declaration to the city clerk. The city council may, by two-thirds vote, repeal, rescind or modify any such declaration.

(b) During any state of emergency as described herein, the city manager may, within the limits of the amount appropriated therefore, appoint such experts, clerks, assistants, and such personnel as the work of the department may require, and he may remove them. The city manager shall have the authority to appoint district coordinators as may be required. The city manager may make such expenditures within the appropriation therefore, or from other funds available to him, as may be necessary to execute effectively the purpose of chapter 639, Acts of 1950, or any other applicable law. The city manager may take command of any or all motor vehicles and other mechanical means of transportation, and all equipment related thereto, owned or controlled by the city or any of its departments, boards, commissions and agencies, for the duration of the state of emergency and deem such vehicles emergency vehicles. All city employees in possession of such vehicles and equipment shall comply with the directives of the city manager regarding the use of any such vehicle.

(c) The city manager on behalf of the city shall have the authority to receive on behalf of the city, services, equipment, supplies, material or funds by way of gift, grant or loan, for purposes of civil defense, ordered by the federal or state government, or any agency or office thereof, or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency or entity making the offer.

(d) All references to chapter 639, Acts of 1950, shall be applicable to act or acts in amendment or continuation of or substitution for chapter 639. Nothing in this article shall be deemed to limit or otherwise abridge the emergency powers or direction and control over emergency management or civil defense vested in the city manager by virtue of the Home Rule Charter, any statute or the common law.

§ 9. Licenses

The director, with the approval of the city manager, may issue licenses to any public or private entity interested in utilizing any radio or telecommunication service or facility under the care, custody and control of the department. No such license shall be issued unless 1) the director determines in writing that the service or facility usage permitted by the license shall not materially diminish the radio or telecommunications services or facilities required by city departments and agencies; and, 2) the licensee pays a license fee to the city. The director shall, with the approval of the city manager, establish appropriate fees for such licenses. Any license issue under this section shall not exceed a term of twelve months, but may be renewable or self-renewable for additional one year periods, and shall be revocable at the will of the director.

§ 10. Conflict with State Law

Nothing in this article shall be deemed to conflict with the General Laws or abridge the authority vested in the city manager, the chief of police or the chief of the fire department.

§ 11. Regulations

The director may promulgate such rules and regulations as may be deemed necessary or proper to the purposes of this article.

Article 8. Fire Department*

- § 1. Establishment
- § 2. Function
- § 3. Head of Department
- § 4. Authorized Positions
- § 5. Fire Prevention Bureau
- § 6. Training Bureau
- § 7. Maintenance Bureau
- § 8. Authority of Chief at Fires & Emergencies
- § 9. Disability of Chief
- §10. Advisory Board
- §11. Aid to Other Cities and Towns
- §12. Fire Inspection Companies
- §13. Excusing Uniform Members from Duty
- §14. Off-Duty Employment of Firefighters
- §15. Traffic Control by Uniform Members
- §16. Drawing Water from Hydrants or Reservoirs
- §17. Taking Department Property Out of the City
- §18. Rules and Regulations

***(Article 8 was amended by removing section 8 Housing Division and renumbering the remaining sections – May 19, 2009 – 9310)**

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department to be known as the “Fire Department” (“department”).

§ 2. Function

It shall be the function of the department to provide fire suppression and protection services, first responder and emergency response management services for the city.

§ 3. Head of Department

(a) *Department Head.* The department shall be headed by the chief engineer who shall be known as the “fire chief” (“chief”) who shall be appointed by, and shall serve at the pleasure of, the city manager, unless otherwise provided by law.

(b) *Duties and Responsibilities.* The chief shall be responsible for the performance of the functions of the department and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department;
- (2) manage the budget for the department, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer or the city auditor;
- (3) administer the award and implementation of contracts concerning matters under the responsibility of the department and payable from funds appropriated to the department;
- (4) perform all duties prescribed by chapters forty-eight and one hundred and forty-eight of the General Laws and by rules and regulations of the department;
- (5) provide fire protection, firefighting and other emergency service for the city, including, but not limited to, salvage and overhauling operations;
- (6) act as the agent of the city manager in the preparation, planning, organization, maintenance, administration and operation the emergency response management and civil defense duties and activities of the city as the same may be authorized or required by law, including chapter 639 of the Acts of 1950 and any regulations promulgated thereunder, or any declaration of emergency issued by the city manager, the governor or the president of the United States;
- (7) supervise and direct the officers and civilians in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department and providing each firefighter with a manual containing the rules and regulations of the department and pertinent ordinances and to enforce the same; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (8) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the safety, security and good order of the city;
- (9) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (10) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;

- (11) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
- (12) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager;
- (13) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (14) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department by the city manager and the city council and to cause the same to be kept in good condition and repair and ready for immediate service;
- (15) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (16) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager;
- (17) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager;
- (18) conduct the inspections prescribed in the General Laws and the fire prevention code; and
- (19) possess the duties and authorities of a forest warden as contained the General Laws, chapter 48, section eight through twenty-eight C.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The department shall consist of the chief and such deputy chiefs, district chiefs, captains, lieutenants, firefighters and civilian employees as the city council, with the advice of the city manager, shall from time to time authorize.

(b) *Duties and Responsibilities of Deputy Chiefs and Subordinate Officers.* The deputy chiefs shall aid the chief in the performance of the duties and responsibilities prescribed by this section and shall perform any lawful act directed or commanded by the chief. All other officers of the department shall perform any lawful act directed or commanded by their superiors, in accordance with the rules and regulations of the department.

(c) *Manner of Appointment.* Each position in the department shall be filled by

appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Fire Prevention Bureau

There is hereby established a fire prevention bureau within the department under the jurisdiction of the chief. The fire prevention bureau shall be in the charge of the chief inspector who shall be designated by the chief and shall:

- (a) administer the fire prevention bureau;
- (b) perform the inspection duties prescribed by the General Laws and the fire prevention code; and,
- (c) perform such other duties as may be prescribed by the chief.

§ 6. Training Bureau

There is hereby established within the department a training bureau under the jurisdiction of the chief. The bureau shall be in the charge of a chief of training who shall be designated by the chief and shall:

- (a) administer the training bureau;
- (b) develop, deliver, test and document mandatory and non-mandatory firefighter development training programs to the members;
- (c) develop, test and document in-service training programs; and,
- (d) perform such other duties as may be prescribed by the chief.

§ 7. Maintenance Bureau

There is hereby established a maintenance bureau within the department, under the jurisdiction of the chief. The maintenance bureau shall be in the charge of the director of fire apparatus repair and maintenance who shall be designated by the chief and shall:

- (a) administer the maintenance bureau;
- (b) develop, test, repair, maintain, and document procedures that assure that apparatus and firefighting equipment belonging to the department are in proper working order;
- (c) maintain an inventory, including fire station supplies that will allow the department to function on a daily basis;
- (d) perform such other duties as may be prescribed by the chief.

§ 8. Authority of Chief at Fires & Emergencies

The chief, or, in his absence, the officer in charge, shall have sole command at the location of any fire or during the emergency response as described in this section over all members of the department and all other persons who may be present and shall have authority to direct all measures for the extinguishment of fires, protection and preservation of property, preservation of order and the observance of laws, ordinances and rules and regulations respecting fires.

§ 9. Disability of Chief

The city manager shall determine what officer shall act, with full duties and authority, in the place of the chief or other officer during the absence or disability of such chief or other officer.

§ 10. Advisory Board

There shall be within the department an advisory board of chiefs, which shall act as an advisory board to the chief. The board shall consist of the deputy and district chiefs of the department, and the chief, who shall be its chair. The advisory board of chiefs shall meet only on the call of the chief and shall render such assistance or advice as the chief may request.

§ 11. Aid to Other Cities and Towns

The chief is authorized to extend such aid as he may deem necessary to another city, town, fire district or area under federal jurisdiction in the Central Massachusetts Regional Planning District or outside the district, with the approval of the city manager, but within the commonwealth for extinguishing fires therein.

§ 12. Fire Inspection Companies

It shall be the duty of the chief to divide the city into as many fire inspection areas as there are companies, and to assign an area to each company for inspection, according to the rules and regulations of the department. Any firefighter, while making such inspection, shall be in uniform and wear the badge of the department. Records of these inspections shall be kept at the office of the chief and shall be available for inspection by the city manager or the city council. The chief, in his annual report, shall give the results of these inspections by area, stating the number of inspections made and a list of cases requiring the enforcement of the provisions of the fire prevention code.

§ 13. Excusing Uniform Members from Duty

The time and manner of excusing uniform members of the department from duty shall be determined by the chief. A member so excused shall be exempt from duty and from attendance at a fire station or other place, but otherwise shall be subject to all laws and rules and regulations relating to a uniform member of the department. The chief shall have the authority, whenever in his judgment, any public emergency or any unusual demand for the services of the department requires, to prevent any uniform members of the department taking time off when the member is entitled thereto at the time assigned therefor or to recall such uniform member back to duty for such duration and to such extent as the chief deems necessary.

§ 14. Off-Duty Employment of Firefighters

No uniformed member of the department shall, during his or her off-duty hours, enter the employ of any person, firm, corporation, or engage in any gainful occupation without the express written permission of the chief. In granting of any such permission, the chief shall first determine that:

- (a) such employment or occupation will not impair the uniformed member's efficiency;
- (b) such employment or occupation is not incompatible with the uniformed member's employment as a firefighter nor tend to bring into disrepute the department; and,
- (c) such employment or occupation will not seriously impair or affect the employment of others engaged in like employment or occupation.

§ 15. Traffic Control by Uniform Members

Notwithstanding any contrary provisions of the Revised Ordinances, uniformed members of the department, if so authorized by the officer in charge, may direct traffic as may be required to permit fire vehicles to leave or enter a firehouse or to park at the scene of an emergency.

§ 16. Drawing Water from Hydrants or Reservoirs

No firefighter or any employee of the department shall draw water from the reservoirs or hydrants except in case of fire or other emergencies unless specifically authorized by the chief to do so.

§ 17. Taking Department Property Out of the City

No property belonging to the department shall be taken out of city limits unless by order of the chief or the city manager.

§ 18. Rules and Regulations

The city manager shall promulgate, with the approval of the city council, rules and regulations for the government of the department and its members.

Article 9. Department of Inspectional Services

- § 1. Establishment
 - § 2. Function
 - § 3. Head of Department
 - § 4. Authorized Positions
 - § 5. Organization of Department
 - § 6. Administration Division
 - § 7. Building and Zoning Division
 - § 8. Housing Division
 - § 9. Health Inspection Division
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Department Inspectional Services” (“department”).

§ 2. Function

It shall be the function of the department to provide services relating to the state building code, the zoning ordinance, the architectural access code, the state sanitary code and all other laws, codes, regulations and ordinances relating to health and human safety.

§ 3. Head of Department

(a) *Department Head.* The department shall be headed by the commissioner of inspectional services (“commissioner”) who shall be appointed by, and shall serve at the pleasure of, the city manager.

(b) *Duties and Responsibilities.* The commissioner shall be responsible for the performance of the functions of the department and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department and its divisions;

- (2) supervise the personnel in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the financial condition of the city;
- (4) attend various neighborhood and community group meetings as directed by the city manager;
- (5) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (6) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (7) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
- (8) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (9) except in the case of property placed under the care, custody and control of the board of library trustees, have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department, or any of its divisions, by the city manager or the city council;
- (10) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager; and,
- (11) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (12) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager; and,

- (13) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The department shall consist of the commissioner and include a building commissioner, a director of housing, a director of health inspections and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the department shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of Department

(a) *Establishment of Divisions.* The department shall be organized into the following divisions for the following purposes:

Administration Division - to assist the commissioner in the performance of the duties and responsibilities as the of the head of the department;

Building and Zoning Division – to provide information, assistance and enforcement of building, zoning, housing and architectural access codes, laws, ordinances and regulations.

Housing Division – to focus on issues affecting the housing stock and to provide information, assistance and enforcement of the state sanitary code and any other state law or city ordinance, rule or regulation concerning places of human habitation.

Health Inspection Division – to provide inspections, education and enforcement of all laws, codes, regulations and ordinances relating to human health and safety.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division in the department, the head of each division shall also have the duty and responsibility to:

- (1) assist the commissioner in the performance of duties and responsibilities of the head of the department and perform such other duties as may be assigned or requested by the commissioner or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the commissioner;

- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level authorized by the commissioner up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (5) keep the commissioner informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
- (6) recommend to the commissioner implementing the rules, policies and practices governing the operations of the department as are approved by the commissioner; prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the commissioner;
- (7) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the commissioner;
- (8) make recommendations to the commissioner on changing or initiating any policy, operation, program or service to the public;
- (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the commissioner; and,
- (10) maintain any property assigned to the division by the commissioner.

(c) *Management of Multiple Divisions.* The commissioner, with the advice and consent of the city manager, may also serve as the head of any division and may assign the responsibilities of any two or more divisions to one individual in the service of the department.

§ 6. Administration Division

(a) *Division Head.* The director of administration shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties and Responsibilities.* The director of administration of the department shall:

- (1) manage the processing of payroll, purchasing, contracts, and personnel documentation for the department; and,
- (2) assist the commissioner in the performance of his or her duties and responsibilities as the head of the department; and,

- (3) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 7. Building and Zoning Division

(a) *Division Head.* The building commissioner shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The building commissioner shall be responsible for the performance of the functions of the division and shall:

- (1) possess and exercise all of the powers, duties and responsibilities vested by section three of chapter one hundred forty three of the General Laws in a building commissioner, including the authority to:
 - (A) administer and enforce the state building code pursuant to chapter one hundred forty three of the General Laws and the regulations adopted pursuant thereto;
 - (B) administer and enforce the provisions of the architectural access board pursuant to chapter twenty-two, section thirteen A, of the General Laws and the regulations adopted pursuant thereto;
 - (C) administer and enforce the Zoning Ordinance adopted pursuant to chapter forty A of the General Laws; and,
 - (D) perform, in the absence of the director of housing, the duties vested by chapter one hundred twenty-seven A of chapter one hundred eleven of the General Laws, or any other statute, in a commissioner of housing inspection.
- (2) provide information and assistance concerning the potential application of the state building code, the architectural access regulations, the zoning ordinance and the state sanitary code to any person interested in or planning on developing, renovating or constructing new or existing buildings or property;
- (3) exercise every authority provided by law to enforce building, housing and architectural access codes, laws, ordinances and regulations;
- (4) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager; and,
- (5) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) *Reporting Authority.* When administering and enforcing the state building code as well as the requirements of the architectural access board, the building commissioner shall be directly responsible to the city manager. In all other respects, including the administration and enforcement of the zoning ordinance, the building commissioner shall report to the commissioner. This provision shall not apply when the positions of commissioner and building commissioner are held by the same individual.

§ 8. Housing Division

(a) *Division Head.* The director of housing shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The director of housing shall:

- (1) perform the duties vested by chapter one hundred twenty-seven A of chapter one hundred eleven of the General Laws, or any other statute, in a commissioner of housing inspection;
- (2) provide information and assistance concerning the potential application of the state sanitary code and any ordinance, rule or regulation of the city to any person interested in or planning on developing, renovating or constructing new or existing housing ;
- (3) manage the programs and activities of the division;
- (4) perform such additional duties as may be assigned from time to time by the commissioner; and,
- (5) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 9. Health Inspection Division

(a) *Division Head.* The director of health inspection shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner.

(b) *Duties & Responsibilities.* The director of health inspection shall:

- (1) administer and manage the regulatory and inspectional services programs and activities of the division under the administrative superintendence of the commissioner of inspectional services, such programs and activities to include air & water safety and quality, lead paint, food protection, animal control and weights and measures;
- (2) administer, manage, implement and enforce the policies and regulations adopted by the commissioner of public health acting as the board of health established under article one of these ordinances;
- (3) keep the commissioner of inspectional services informed of the activities of the division and the information gathered by the division concerning health inspection and enforcement issues;
- (4) coordinate the department's inspection and enforcement activities with other agencies;
- (5) manage the programs and activities of the division;

- (6) investigate complaints and enforce the laws, ordinances, codes or regulations administered by the division; and,
- (7) perform the duties and responsibilities described in section 5(b)(1-10) above.

(c) Inspectors of Animals. (Deleted May 19, 2009 – 9310)

Article 10. Auditing Department

(Formerly Article 11 – Amended May 19, 2009 – 9310)

- § 1. Establishment
 - § 2. Function
 - § 3. Personnel
 - § 4. Head of Department
 - § 5. Duties & Responsibilities
 - § 6. Bond; City Auditor Pro Tempore
 - § 7. Accounts and Contract Ledgers
 - § 8. Supervision of Accounts
 - § 9. Procedure for Payment of Bills
 - § 10. Appropriations Report - Finance Committee
 - § 11. Audits of Certain Departments
 - § 12. Annual Audit
 - § 13. Annual Report of Indebtedness
 - § 14. Reports of the Housing & Redevelopment Authorities
 - § 15. Return to Assessors
 - § 16. Delivery of Assessments and Accounts
 - § 17. Approval of Purchase Orders
 - § 18. Reports of Payments
-

§ 1. Establishment

Under authority of Article Two, § 2-8(b) and Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city council a department of the city to be known as the “Auditing Department” (“department”).

§ 2. Function

It shall be the function of the department through the city auditor to perform the pre-audit of financial transactions of municipal departments, boards, commissions and committees of the city, including the school department.

§ 3. Personnel

The department shall consist of the city auditor and such other personnel as the city council, with the advice of the city manager, shall from time to time authorize.

§ 4. Head of Department

The department shall be headed by the city auditor, who shall be elected by the city council for a term of **two*** years; and who shall reside in the city.

***Amended March 1, 2011 - 9615**

§ 5. Duties & Responsibilities

The city auditor shall be responsible for the performance of the functions of the department and shall:

- (a) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department;
- (b) manage the budget for the department, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the general policies and requirements of the city manager and chief financial officer;
- (c) administer the award and implementation of contracts concerning matters under the responsibility of the department and payable from funds appropriated to the department;
- (d) keep and have charge of the accounts of the city;
- (e) audit from time to time the books and accounts of all agencies of the city;
- (f) perform such other duties as may be prescribed by law;
- (g) supervise and direct the personnel in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (h) keep the city council informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the finances of the city;
- (i) seek the advice of the city council prior to changing any existing policy or initiating any new program or service;
- (j) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city council;

- (k) perform such other tasks and functions as may be requested by the city council;
- (l) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (m) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department by the city manager and the city council and to cause the same to be kept in good condition and repair and ready for immediate service;
- (n) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city council;
- (o) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city council; and,
- (p) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city council.

§ 6. Bond; City Auditor Pro Tempore

The city auditor shall give a bond with surety or sureties to be approved by the city council, in the sum of five thousand dollars, for the faithful performance of his or her duties, and the delivery to his or her successor or to the city clerk, of all books papers, documents and property belonging to the office. Whenever the office of the city auditor shall be vacant or whenever he or she may, from any cause, be unable to perform the duties of the office, the city council may elect a city auditor pro tempore, to hold office, unless sooner removed by the city council, until the vacancy shall be filled by the city council, or the disability shall cease, as the case may be; provided, that such city auditor pro tempore, shall have all the powers and be subject to all the liabilities which pertain to the office.

§ 7. Accounts and Contract Ledgers

(a) The city auditor shall keep his accounts in the form now in use until otherwise ordered by the city council, and by such divisions and such details as may be necessary to show a clear exhibit of the expenses incurred by each of the several departments of the government, in their various operations, stating, among other things, the appropriation for each department, and for each distinct object or expenditure; and whenever the appropriations for any department or for any objects have been exhausted, he shall immediately communicate the fact to the city

manager and the city council, and all expenditures therefor shall cease until a further appropriation is duly made. The city auditor, when requested, shall furnish to the chair of the board, or head of the department having work in charge, the amount of the appropriation therefor, and the amount drawn in gross or in detail.

(b) In addition to the system now in operation in the auditing department, the city auditor, under the direction of the city council, shall maintain appropriation and contract ledgers on which daily entries of expenses incurred and encumbrances assumed shall be made and from which daily unexpended balances and unencumbered balances may be obtained.

§ 8. Supervision of Accounts

The city auditor, under the direction of the city council, shall have general supervision of the accounts kept by the several city departments and shall require the several departments to keep such accounts as may be necessary in such form as he or she shall prescribe.

§ 9. Procedure for Payment of Bills

The city auditor shall receive all bills and accounts from persons having demands against the city, examine them in detail, and have them filed and entered in books in such manner and form as the city council may direct. All doubtful bills and accounts so received shall be presented by the city auditor to the city manager before being entered in such books. Before money is paid out of the city treasury, a requisition therefor, in writing, with detailed accounts attached, specifying the amount to be paid, and the party or parties to whom the payment is due, shall be made by the board or head of the department incurring the expenditure, upon the city auditor. He shall receive all such requisitions, accounts and claims rendered against the city, and carefully examine the same, and shall see that they are correctly cast and approved. In case of any error or informality, he shall make note of the fact, and return the bill or demand with the objections to the officer, board or person presenting the same. When invoices for services rendered or supplies furnished shall have been recorded by the city auditor, the draft or order upon the city treasurer for the payment of the aggregate amount of the bills aforesaid shall be signed by the city manager, and countersigned by the city auditor. The city auditor shall give a certificate for all bills approved as aforesaid to the city treasurer, which certificate shall specify the name of the person or persons authorized to receive the amount due, together with amount duly approved and payable to the person. Such certificate shall be signed by the city auditor, and upon presentation shall be paid by the city treasurer.

§ 10. Appropriations Report - Finance Committee

The auditor shall make an exhibit of the state of the appropriations monthly to the city council; shall render such other services as the city council may direct; and, shall attend all meetings of the city council finance committee.

§ 11. Audits of Certain Departments

The city auditor shall cause to be made a post audit of any or all city departments, if an appropriation is made therefor. This audit shall be made by a certified public accountant, licensed under the General Laws, recommended by the city auditor and approved by the city council.

§ 12. Annual Audit

The auditor shall obtain an annual independent audit of the accounts of the city in accordance with the requirements of the director of accounts of the department of revenue acting pursuant to G.L. c.44, §§ 40 & 42.

§ 13. Annual Report of Indebtedness

All heads of departments and all other officers and boards, including boards of trustees and boards of directors having authority to expend money, shall report annually in writing to the city auditor, not later than the 15th day of July, whether or not they, in their official capacity, or their respective departments or boards, owed any debt at the end of the financial year ending the 30th day June preceding, which was incurred that year and if any, the amount thereof. The city auditor shall, thereupon, furnish each member of the city council at its first meeting next following the 15th day of August, a written statement of the amount of such indebtedness of each department, officer or board in excess of their respective unexpended appropriations for the same year, including also mention of those departments, officers or boards having no such indebtedness.

§ 14. Report of the Housing and Redevelopment Authorities

(a) If requested by the city council, on or before the 30th day of December in each year, the city auditor shall submit a report to the city council, as of the last day of the preceding financial year, covering all financial transactions and agreements that the city has had with the Worcester Housing Authority and the Worcester Redevelopment Authority. This report shall be segregated by fiscal year and shall be further segregated as to each project. The report shall include a statement of all capital outlays by the city, and shall be further segregated as to land gifts, expenditures for making streets public, expenditures for constructing sewers and water connections and any other capital expenditures by the city.

(b) The report shall also include a statement of all monies which the Worcester Housing Authority and Worcester Redevelopment Authority paid over to the city from projects, the sources from which that money was derived, the reason for such payment and the application which the city made of such receipts.

(c) The report shall contain a statement of all monies borrowed by the city for the financing of such projects and the amounts matured and outstanding, together with interest paid and accrued on such borrowings.

§ 15. Return to Assessors

It shall be the duty of the city auditor, upon request of the assessors and before the tax rate is set in each year, to make a return to the assessors of all sums appropriated, granted or lawfully expended by the city since the last preceding annual assessment and not provided for therein, and all sums necessary to satisfy final judgments recovered against the city, specifying the sums for the payment of which the city shall have voted to contract debts under the laws relating to municipal indebtedness; also the amount of temporary loans expressly made payable from the taxes of the current year by vote of the city council, and incurred in anticipation thereof; also all sums required for the payment of interest upon the debt of the city.

§ 16. Delivery of Assessments and Accounts

It shall be the duty of the several departments and officers of the city to cause to be delivered to the city auditor, who shall take account of and deliver the same to the collector of taxes for collection, all special taxes, assessments and accounts against persons indebted to the city, and no other department or officer of the city, except the collector of taxes, shall receive payment of any such account, except when specially authorized to receive the same.

§ 17. Approval of Purchase Orders

The several officers of the city and departments to which appropriations are voted by the city council shall present to the city auditor before liability is incurred all orders for services, materials and supplies or any other expenditures or obligation for any of the several departments for his approval as to sufficient funds in the accounts affected to warrant the expenditure of the amount stated in the order. To meet this requirement, a standard system shall be installed in the various departments, subject to the approval of the city auditor, and under the supervision of the city council.

§ 18. Reports of Payments

All officers authorized to receive money in behalf of the city shall, as often as once in each month, pay over the same to the city treasurer and collector of taxes, reporting at the time of payment the amount thereof to the city auditor, and the city auditor shall audit the accounts of all such officers at the close of each municipal year, and at the expiration of their respective terms of office, or at any other time when ordered by the city council, and for this purpose the auditor shall have access to all books and vouchers in the possession of any officer or committee of the city, and he shall in every case when so ordered, report to the city council the result of his examination.

Article 11. City Clerk Department

(Formerly Article 12 – Amended May 19, 2009 – 9310)

- § 1. Establishment
 - § 2. Function
 - § 3. Authorized Positions
 - § 4. Head of Department
 - § 5. Organization of the Department
 - § 6. Duties & Responsibilities
 - § 7. Assistant City Clerks
 - § 8. City Council Meetings
 - § 9. Committee Meetings
 - §10. Administration of Elections
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city council a department of the city to be known as the “City Clerk Department” (“department”).

§ 2. Function

It shall be the function of the department to be the official custodian of the city's records, papers and documents, to serve as the clerk of the city council and its committees, to carry out those duties and responsibilities required by law and to provide administrative and operational support to the board of election commissioners.

§ 3. Authorized Positions

The department shall consist of the city clerk and such other positions as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

§ 4. Head of Department

The department shall be headed by the city clerk, who shall be appointed by the city council.

§ 5. Organization of the Office

(a) *Establishment of Divisions.* The office shall be organized into two divisions for the following purposes:

City Clerk Division - to carry out those duties and responsibilities required by law of city and town clerks, to serve as the clerk of the city council and to be the official custodian of the city's records, papers and documents; and;

Election Commission Division – to provide administrative and operational support to the board of election commissioners established under article seven of the home rule charter.

§ 6. Duties & Responsibilities

The city clerk shall be responsible for the performance of the functions of the department and shall:

- (a) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department;
- (b) manage the budget for the department, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the general policies and requirements of the city manager and chief financial officer;
- (c) administer the award and implementation of contracts concerning matters under the responsibility of the department and payable from funds appropriated to the department;
- (d) keep to furnish the collector of taxes with an account of any and all assessments made by the city council relating to streets, sidewalks, sewers and otherwise, as soon as may be after such assessments are made;
- (e) perform such other duties as the city council may from time to time require;
- (f) annually report in detail in writing, to the city council all monies received as fees or otherwise during the preceding financial year;
- (g) furnish the justices of the Central District Court, the clerk of the superior court for the county of Worcester, the clerk of the Central District Court, the Free Public Library, the Worcester County Library and the chief of police, with attested copies of all ordinances passed by the city council;
- (h) keep books in which shall be alphabetically arranged the names of all the streets, highways and sidewalks which now are or may hereafter be accepted or laid out, with the date of such laying out or acceptance, and

the width thereof, and all alterations therein from time to time made by the city council;

- (i) supervise and direct the personnel in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (j) keep the city council informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the finances of the city;
- (k) seek the advice of the city council prior to changing any existing policy or initiating any new program or service;
- (l) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city council;
- (m) perform such other tasks and functions as may be prescribed by law or as may be requested by the city council;
- (n) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (o) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department by the city manager and the city council and to cause the same to be kept in good condition and repair and ready for immediate service;
- (p) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city council;
- (q) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city council; and,
- (r) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city council.

§ 7. Assistant City Clerks

(a) The city council shall appoint two assistant city clerks on the recommendation of the city clerk.

(b) In addition to having such powers and performing such duties as may from time to time be prescribed for them by the city clerk, it shall be the duty of the assistant city clerks to assist the city clerk in recording, indexing and certifying mortgages of personal property, assignments of wages and other documents required by law to be recorded, and also to attest documents and perform all other duties pertaining to the office of city clerk when thereto requested by him or when the office of city clerk shall be vacant from any cause.

§ 8. City Council Meetings

The city clerk or an assistant city clerk shall attend all meetings of the city council. The city clerk shall prepare a calendar of the agenda for each meeting and keep the official records of all such meetings.

§ 9. Committee Meetings

The city clerk shall notify the members of the council committees of the meetings thereof and, when requested by the chair of any committee, shall perform such other duties as the committee may require. The city clerk or an assistant city clerk shall attend each meeting of the several committees of the city council and shall make a proper record of all the proceedings and the transaction of the business of each meeting.

§ 10. Administration of Elections

(a) In addition to exercising the duties and responsibilities of city clerk, the city clerk shall also serve as the executive director of the board of election commissioners and in that capacity shall:

- (1) provide administrative and operational support to the board of election commissioners established under article seven of the home rule charter;
- (2) perform such duties and responsibilities as may be required or requested by the board of election commissioners in the performance of their duties under article seven of the home rule charter, or as provided under section sixteen A of chapter fifty-one of the General Laws, or as otherwise prescribed to said board by any federal, general or special law;
- (3) coordinate the services authorized by the city manager of other city departments for the conduct of any election; and,
- (4) administer and keep the records of the board of election commissioners.

(b) The city clerk may assign such personnel within the city clerk department to work in the preparation and administration of elections as he or she deems necessary or advisable to properly perform the duties and responsibilities described in subsection (a) above.

Article 12. Law Department

(Formerly Article 13 – Amended May 19, 2009 – 9310)

- § 1. Establishment
 - § 2. Function
 - § 3. Personnel
 - § 4. Head of Department
 - § 5. Duties & Responsibilities
 - § 6. Assistant City Solicitors
 - § 7. Claims Committee
 - § 8. Legal Assistants
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Law Department” (“department”).

§ 2. Function

It shall be the function of the department to furnish the legal services and advice to all agencies and officers and employees of the city as may be lawfully requested or required.

§ 3. Personnel

The department shall consist of a city solicitor and such other personnel as the city council, with the advice of the city manager, shall from time to time authorize.

§ 4. Head of Department

The department shall be headed by the city solicitor, who shall be the chief legal officer of the city, and who shall be appointed by and shall serve at the pleasure of the city manager. The city solicitor shall be a member of the bar of the commonwealth.

§ 5. Duties & Responsibilities

The city solicitor shall be responsible for the performance of the functions of the department and shall:

- (a) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department;
- (b) manage the budget for the department, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer or the city auditor;
- (c) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (d) perform provide the legal services, assistance or counsel required by any agency or officer of the city;
- (e) initiate or defend any legal proceeding in which the city is or may be a party or have an interest in and to defend such officers or employees in any proceedings brought against them to which they are or may be entitled to such defense by the city;
- (f) draft the legal instruments of the city;
- (g) review for legal requirements all contracts prior to their execution by the city manager;
- (h) establish such procedures as may be necessary for officers and employees of the city to report and assist in any legal proceedings involving the city or its officers and employees;
- (i) supply city agencies, officers and employees with such forms as may be necessary for the legal conduct of the affairs of the city;
- (j) obtain from the federal government, the General Court, the Attorney General, and from the courts of the Commonwealth, information that may affect the city on proposed or existing laws, interpretations and decisions thereof. To make this information known to the city manager and to the head of any department that may be affected thereby;
- (k) when requested by the city manager, provide legal representation to the Worcester Redevelopment Authority, Worcester Retirement Board, the Upper Blackstone Water Pollution Abatement District and such other entities related to the business of the city of Worcester as the city manager may from time to time further authorize;
- (l) attend all meetings of the city council;
- (m) supervise and direct the personnel in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the

performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;

- (n) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the peace, security and good order of the city;
- (o) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (p) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (q) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
- (r) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (s) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department by the city manager and the city council and to cause the same to be kept in good condition and repair and ready for immediate service;
- (t) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (u) prepare, monitor and manage the budget for the department, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager; and,
- (v) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager.

§ 6. Assistant City Solicitors

(a) The city manager may appoint, as shall be provided for in the budget, assistant city solicitors to serve at his pleasure. The assistant city solicitors shall be members of the bar of the commonwealth and shall perform such duties as the city solicitor may direct.

(b) The city manager may also appoint special assistant city solicitors for specific legal matters or cases; said special assistant city solicitors shall be subject to the direction and control

of the city solicitor and shall be a member of the highest bar of a state or territory of the United States.

§ 7. Claims Committee

When requested by any claimant whose claim has been denied by the claims agent, the city solicitor may create a claims committee consisting of two or more attorneys in the department to hear claimants, all of whom shall receive proper notice of the time and place of such hearing investigate. The committee shall have authority to make recommendations to the city solicitor on the ultimate disposition of any claim presented to it.

§ 8. Legal Assistants

The city manager may also appoint, as shall be provided for in the budget, legal assistants, who shall devote full time to their duties and who shall serve at his pleasure. Legal assistants shall be members of the bar of the commonwealth and shall perform such duties as the city solicitor may direct, provided, however, that the city manager may appoint temporary legal assistants who are candidates for admission to the bar of the commonwealth.

APPENDIX – AMENDMENTS TO PART II OF THE REVISED ORDINANCES OF 2008

Amendment 9310

AN ORDINANCE REORGANIZING VARIOUS DEPARTMENTS, BOARDS & COMMISSIONS OF THE CITY OF WORCESTER

Whereas, in 2008, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2008, Part Two, Organization of City Agencies; and,

Whereas, in the presentation of the budget for fiscal year 2010 the city manager has recommended several significant consolidations and revisions to the organizational structure of the city,

Now, Therefore, Be it Ordained by the City Council of the city of Worcester, as follows:

§ 1. The Revised Ordinances of 2008, Part Two, Organization of City Agencies, are hereby amended by deleting the entire text of Article 1, Executive Office of the City Manager, and inserting in lieu thereof a new Article 1, the text of which is attached hereto and incorporated herein by reference.

§ 2. Article Six of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Police Department, is hereby amended by inserting a new subsection (d) in section four thereof concerning responsibility for the inspection of animals as follows:

(d) *Inspectors of Animals.* Inspectors of animals shall be appointed annually by the city manager for a term of one year in accordance with the General Laws, chapter one hundred twenty nine, section fifteen, and shall be under the responsibility of the chief of police.

§ 3. The Revised Ordinances of 2008, Part Two, Organization of City Agencies, are hereby amended by deleting the entire text of Article 7, Communications, and inserting in lieu thereof a new Article 7, "Emergency Communications Department," the text of which is attached hereto and incorporated herein by reference.

§ 4. Article Eight of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Fire Department, is hereby amended by deleting section 8 thereof in its entirety and renumbering the remaining sections of this article accordingly.

§ 5. Article Nine of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Inspectional Services Department, is hereby amended by deleting from the duties and responsibilities of the Health Inspection Division in section 9(c) in its entirety as it concerns the inspectors of animals.

§ 6. The Revised Ordinances of 2008, Part Two, Organization of City Agencies, are hereby amended by deleting the entire text of Article 10, Department of Health & Human Services.

§ 7. Nothing herein shall diminish or impair any level of discretion to exercise independent judgment in the public interest as may be vested in any city officer, board or commission under state or federal law.

§ 8. The grant of authority made by these ordinances to any officer, department, division, board or commission of the city, to perform any function, operate any program, provide any service or conduct any activity, shall be deemed to be the fullest grant of public authority as may be authorized by law and, further, recognizing that these ordinances may grant authority to act in the public interest to one or more officer, department, division, board or commission of the city, the grant of authority to any one such officer, department, etc., shall not be deemed to impair or exclude the actions of any other officer, department, division, board or commission similarly authorized.

§ 9. The repeal of the ordinances accomplished by section one hereof shall not apply impair any lawful action taken under authority of the ordinances previously in effect.

§ 10. Nothing herein shall repeal or impair any executive order, directive or administrative policy issued by the city manager.

§ 11. Pursuant to Article Ten of the Home Rule Charter, General Laws chapter 43, § 5, and similar provisions of any previous city charter, nothing herein, unless expressly stated herein, shall negate or relinquish any authority granted to any officer, department, division, board or commission of the city by any special act, general law, prior charter provision, or any other legal authority in so far as the same may have provided the basis for the establishment of any city department or agency which is reestablished and continued Under Article Six of the Home Rule Charter or by any provision of any previous version of the Revised Ordinances of the city of Worcester.

Effective Date

§ 12. In accordance with Article Six of the city charter, this ordinance shall take effect on July 1, 2009.

In City Council May 19, 2009

Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays

A Copy. Attest:

David J. Rushford, Clerk
David J. Rushford
City Clerk

Article 1. Executive Office of the City Manager

- § 1. Establishment
 - § 2. Function
 - § 3. Head of the Executive Office
 - § 4. Authorized Positions
 - § 5. Organization of the Office
 - § 6. Executive Office Division
 - § 7. Elder Affairs Commission - Elder Affairs Office
 - § 8. Board of Library Directors - Public Library Division
 - § 9. Board of Health - Public Health Division
 - § 10. Human Services Division
 - § 11. Organization of Offices Within the Division of Human Services
 - § 12. Disability Commission - Disability Office
 - § 13. Human Rights Commission - Human Rights Office
 - § 14. Transitional Housing Services Office
 - § 15. Veterans' Services Office
 - § 16. Early Scholarship Committee
 - § 17. Homelessness Commission
 - § 18. Status of Women Committee
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the "Executive Office of the City Manager" ("executive office").

§ 2. Function

It shall be the function of the executive office:

(a) to assist the city manager in the exercise of the authority and responsibilities vested in the city manager by the city charter, the city council or any other source of law by providing an organizational, budgetary and administrative unit for the personnel assigned as the immediate staff of the city manager, for the property, real and personal placed under the care, custody and control of the city manager and for the appropriations made to fund the operations of the office of city manager as well as such other activities, personnel, property and appropriations not specifically assigned to another city agency, department or division; and,

(b) to improve the human spirit and condition of all residents of the city by promoting the public health, providing for the elderly and veterans, advancing human rights and the equality of women and the disabled and supporting the operation of the public library.

§ 3. Head of the Executive Office

(a) *Executive Office Head.* The executive office shall be headed by the city manager (“city manager”). The city manager may assign, in whole or in part, any of the duties and responsibilities of the executive office to such other person in the service of the executive office as the city manager so chooses and any such person so selected shall perform such duties and responsibilities at the pleasure of the city manager.

(b) *Duties & Responsibilities.* The head of the executive office shall be responsible for the performance of the functions of the office and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the office;
- (2) supervise the personnel in the office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the office and provide the city manager with information developed by the office which would have a material impact on the financial condition of the city;
- (4) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service within the office;
- (5) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (6) perform such other tasks and functions as may be requested by the city manager;
- (7) ensure that all actions of the office are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America;
- (8) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the office by the city manager and the city council;
- (9) determine the priorities of the office and to prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (10) prepare, monitor and manage the budget for the office, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager; and,
- (11) prepare, implement, evaluate and improve office operations, programs and projects in accordance with the goals and objectives established for the office by the city manager.

(c) *Management of Multiple Divisions.* The city manager may assign the responsibilities of any two or more divisions or offices within the executive office of the city manager to one individual in the service of the executive office.

§ 4. Authorized Positions

(a) *Table of Authorized Positions.* The office shall consist of the city manager and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) *Manner of Appointment.* Each position in the executive office, except that of the head librarian, shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

(c) *Contractual Services.* The city manager may from time to time and in accordance with the procedures and limitations of any law, including any contract to which the city is a party, enter into agreements, memoranda of understanding or contracts with any entity he or she deems appropriate to implement any policy or perform any function of the city or any department, division, bureau, official or agency described in this part two of these revised ordinances; provided, however, that no such agreement, memoranda of understanding or contract may transfer any discretionary function or otherwise purport to delegate any public policy authority which is by law placed under the lawful responsibility of the city manager or any city officer, employee, board, commission or agency under his or her jurisdiction to any such entity.

§ 5. Organization of the Office

(a) *Establishment of Divisions.* The executive office shall be organized into the following divisions for the following purposes:

Executive Office Division - to assist the city manager in the performance of the functions of the executive office as described in this article and by law;

Elder Affairs Division – to enhance the quality of life for elders in Worcester by identifying needs, developing and implementing programs and services to meet those needs, advocating on behalf of elders and operating a focal point senior center within the city;

Public Library Division – to provide library services for the residents of Worcester;

Public Health Division – to preserve, promote and protect the physical and mental health of the people of the city by providing public health services for the city of Worcester;

Human Services Division - to provide for the efficient administration and management of the offices, agencies, boards and commission of the city involving the equality

of women and the disabled, human rights, veterans, scholarship and transitional housing. The human services division shall consist of the following offices:

Disability Office – to bring about full and equal participation in all aspects of life in the city for all people with disabilities;

Human Rights Office – to assure that every individual shall have equal access to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city;

Scholarships Office – to select the recipients of various scholarship funds and trusts held by the city, including the Thomas J. Early Scholarship Fund;

Status of Women Committee Office – to formulate, encourage, promote and monitor programs and policies relating to the status of women in the city;

Transitional Housing Services Office – to coordinate the provision of multiple government-based services and programs to individuals and families requiring immediate housing assistance and to administer the affairs of the commission on homelessness; and,

Veterans' Services Office – to provide services to veterans.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division of the executive office, the head of each division (except for the head librarian as regards items (6) and (9) below) shall also have the duty and responsibility to:

- (1) assist the head of the executive office in the performance of the duties and responsibilities of the office and perform such other duties as may be assigned or requested by the head of the executive office or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the head of the executive office;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level authorized by the assistant city manager up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (5) keep the head of the executive office informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;

- (6) recommend to the head of the executive office implementing the rules, policies and practices governing the operations of the office as are approved by the head of the executive office;
- (7) prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the head of the executive office;
- (8) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the head of the executive office;
- (9) make recommendations to the head of the executive office on changing or initiating any policy, operation, program or service to the public;
- (10) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the head of the executive office; and,
- (11) maintain any property assigned to the division by the head of the executive office.

§ 6. Executive Office Division

(a) *Division Head.* The executive office division shall be headed by the city manager, or such other person and he or she shall designate from time to time as the head of the executive office division or assign the duties of this division under section 3(a) of this article.

(b) *Duties & Responsibilities.* The executive office division head shall have the following authority and responsibilities:

- (1) management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the executive office, including, without limitation:
 - (A) to act as the legislative liaison of the city by preparing the annual legislative agenda of the city and monitoring the progress of legislation approved by the city council;
 - (B) to develop and administer the marketing program of the city and to promote Worcester as a place for conventions, tourism and travel; to administer the “Destination Worcester” marketing program and such other programs concerning the marketing of the city of Worcester to meeting and convention planners, event and sports organizers and tourists and visitors;
 - (C) to assign any employee otherwise under the jurisdiction of the city manager to the interim management and operation of any agency of the city under the jurisdiction of the city manager.
- (2) supervision of the personnel in the executive office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests

for vacation leave and other time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level including suspensions and removals;

- (3) care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the executive office by the city manager and the city council;
- (4) management of the budget for the executive office, which shall include ordinary maintenance, salary and capital expenditures; and,
- (5) all such other authority as may be necessary and proper in the performance of the duties and responsibilities vested in the city manager by the city charter, the city council or any other source of law or as may be inherent in the exercise of the power, rights and duties, other than legislative, commonly associated with municipal chief executive or administrative officers.

(c) *Duties & Responsibilities of Personnel Assigned to the Executive Office.* In order to respond to the needs of the city and the demands of the office of city manager, the city manager may assign duties and responsibilities to the personnel assigned to the executive office, regardless of division, as the city manager deems in the best interests of the city and the individuals assigned to any position in the office shall perform such tasks and functions as may be requested by the city manager. Unless otherwise directed by the city manager, individuals assigned to the executive office shall also have the duty and responsibility to:

- (1) assist the city manager in the performance of the duties and responsibilities of the office of city manager;
- (2) manage the budget for any programs or operations placed under their responsibility by the city manager in accordance with the policies and requirements of the city manager, chief financial officer and the city auditor;
- (3) supervise the personnel assigned to them by assigning tasks and establishing work priorities, deadlines and work schedules for such employees; evaluating the performance of such employees in the office, recommending promotions, honors and discipline when so warranted;
- (4) administer the implementation of contracts concerning matters under the responsibility of the office and payable from funds appropriated to the office;
- (5) keep the city manager informed of all their activities, operations, programs, services, personnel, expenditures and receipts;
- (6) ensure that all their actions are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the city manager;
- (7) make recommendations to the city manager on changing or initiating any policy, operation, program or service to the public;

- (8) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager; and,
- (9) maintain any personal property assigned to them by the city manager.

§ 7. Elder Affairs Commission - Elder Affairs Division

(a) *Establishment of Commission on Elder Affairs.* Under authority of the General Laws, chapter forty, section eight B, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Commission on Elder Affairs” (“commission”).

(b) *Membership on the Commission on Elder Affairs.* The commission shall consist of fifteen members appointed by the city manager for terms of three years. The terms shall be staggered such that five terms shall expire on October thirty-first of each year.

(c) *Membership on the Senior Center Committee.* The city manager shall designate five members of the commission to serve as a standing committee of the commission and known as the “senior center committee”.

(d) *Appointment of Chairs.* The city manager may, from time to time, designate one member of the commission as the chair of the commission and one member of the senior center committee of the commission as the chair of the senior center committee.

(e) *Duties & Responsibilities of the Commission on Elder Affairs.* The commission shall:

- (1) have general superintendence of the senior center;
- (2) make and enforce such rules and regulations as may be necessary or desirable for the efficient operation of the senior center; provided, that no such rule or regulation shall be voted upon by the commission unless it has first received a recommendation of the senior center committee as to the advisability of any rule or regulation;
- (3) establish standing or ad hoc committees for the conduct of its affairs; and,
- (4) may adopt rules of procedure for the operation of the commission and any committees so formed.

(f) *Duties & Responsibilities of the Senior Center Committee.* The senior center committee shall:

- (1) address all matters concerning the management and operation of the senior center; and,
- (2) make reports and recommendations to the commission on all items it considers. No recommendation of the senior center committee shall be deemed adopted unless and until it is approved by majority vote of the commission.

(g) *Division Head.* The director of elder affairs shall head the elder affairs division and shall have the assistance of such other personnel as shall be assigned by the city manager.

(h) *Duties & Responsibilities.* The director of elder affairs shall:

- (1) administer the affairs of the commission on elder affairs and the senior center committee of the commission on elder affairs;
- (2) administer the programs and activities of the division;
- (3) collect facts and statistics and to conduct special studies affecting the health and welfare of the elderly population of the city;
- (4) encourage the development of programs for the elderly in Worcester;
- (5) identify the needs of the community's older population;
- (6) educate and to enlist the support of the community on the needs of the elderly;
- (7) promote the coordination of programs designed for the elderly in Worcester;
- (8) advise the public agencies of the city on matters affecting the elderly;
- (9) prepare reports to the commission and the city manager on state and federal legislation concerning the elderly, including but not limited to state and federal funds and programs available to the elderly;
- (10) cooperate with the executive office of elder affairs of the commonwealth;
- (11) manage and operate a senior center facility, which shall be the land and buildings acquired by the city of Worcester and located on Providence Street between Winthrop Street and Spurr Street ("senior center");
- (12) encourage and assure within the senior center the maximum level of coordination, collaboration and co-location of individuals and organizations, public and private, engaged in the delivery of services, programs and activities of interest to elders, such as: health insurance, caregiver, benefit and employment counseling services; medical and screening clinics; information and referral services on the issues of health, housing, transportation, education, legal assistance, consumer protection, public safety and support groups; on-site and delivered meals and emergency food distribution; literacy, citizenship and English-as-a-second-language instruction; vocational, cultural and computer programs; senior outreach; senior travel; recreational and wellness programs; dances; gardening; story telling; concerts and entertainment; transportation; day care for elders; and, child care for grandparents raising grandchildren;
- (13) execute on behalf of the department any contract, lease or any other legal document. Any such document involving two thousand dollars or more shall not be binding unless it is also signed by the city manager; and,
- (14) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 8. Board of Library Directors - Public Library Division

(a) *Establishment.* To carry-out the terms of the deed of gift of Dr. John Green to the city of Worcester, dated December 27, 1859, and the last will and testament of Dr. John Green,

and subject to the provisions of the General Laws chapter seventy-eight, section seven, there is hereby established under authority of Article Six of the Home Rule Charter within the department a division of the city to be known as the "Free Public Library" ("public library").

(b) *Division Head.* The board of library directors ("board") as so established shall head the division, which shall consist of the board, the head librarian and such other personnel as the city council, with the advice of the city manager, shall, from time to time, authorize in the budget.

(c) *Membership.* The board shall consist of twelve members who shall be appointed by the city council for terms of six years. The city council shall choose in the month of December two directors to fill the vacancies occurring on the first day of January next ensuing, which directors shall hold their office for the term of six years from the first day of January. All vacancies in the board, occasioned by death, resignation, removal from the city or otherwise, shall be filled in like manner, as they arise, for the unexpired term thereof, and no person shall be eligible to fill a vacancy arising from the expiration of his term of office.

(d) *Duties & Responsibilities.* It shall be the duty and responsibility of the board:

- (1) manage the Free Public Library;
- (2) have care and custody of the buildings and grounds of the library and any branches thereof;
- (3) have sole custody of the books;
- (4) promulgate any and all needful and suitable regulations concerning the Free Public Library and the use thereof;
- (5) manage all trust funds given or bequeathed for the benefit of the Free Public Library, including such trust funds formerly under the control of the board of commissioners of Trust Funds; and,
- (6) perform such other duties as may be prescribed by law.

(e) *Organization of the Board.* The directors shall meet as soon as may be after the first day of January in each year and organize into a board by the choice of a president and a secretary from their own number. A majority of the board shall be required for the transaction of business.

(f) *Secretary.* The secretary shall have the care and custody of all books, records, papers and documents belonging to the board and shall record all the doings of the board in a book to be furnished by the city, and he shall deliver the books, records, papers and documents to his or her successor in office.

(g) *Head Librarian & Officers.* Except as otherwise provided by law, the board shall appoint the head librarian and all subordinate officers and may remove such officers at pleasure. The head librarian shall be the executive officer of the board and shall perform the duties and responsibilities described in this ordinance unless any such duty or responsibility shall be incompatible with any authority exercised under the provisions of the deed of gift or last will and testament of Dr. John Green.

§ 9. Board of Health - Public Health Division

(a) *Establishment.* Under authority of Articles Six and Ten of the Home Rule Charter and the provisions of chapter one hundred eighty-one of the acts of nineteen hundred and fifty-three, as amended by chapter seven hundred ninety-seven of the acts of nineteen hundred seventy, there is hereby established within the office a board of the city to be known as the “Board of Health” (“board of health” or “board”).

(b) *Membership.* The board shall consist of four members appointed by the city manager for staggered terms of three years each. One member shall have received the degree of doctor of medicine from a medical school classified by the American Medical Association as a Grade A school and another member shall have received a degree in dentistry from a dental school classified by the American Medical or Dental Association as a grade A school.

(c) *Duties & Responsibilities of the Board of Health.* The board shall assist and act with the commissioner as provided in chapter 181 of the acts of 1953, as amended by chapter 797 of the acts of 1970.

(d) *Commissioner of Public Health.* There shall be a commissioner of public health who shall be appointed by, and serve at the pleasure of, the city manager for a three year term in accordance with the qualifications and requirements of chapter 181 of the acts of 1953, as amended. The commissioner of public health shall serve, *ex officio*, as the chair of the board of health but shall not be a member of the board and shall have no vote unless the board be equally divided.

(e) *Duties & Responsibilities of the Commissioner of Public Health.* The commissioner shall possess and exercise the power and duty to:

- (1) preserve, promote and protect the physical and mental health of the inhabitants of the city by developing and revising a public health program of the city and providing advice to the city manager on public health issues;
- (2) perform all duties and exercise all the powers vested in a commissioner of public health or a board of health by chapter one hundred eleven of the General Laws, or any other general or special law;
- (3) provide programmatic supervision over the activities of the public health division established under this article;
- (4) promulgate guidelines and regulations concerning the medical activities of the division of public health division established under this article; and,
- (5) perform such other duties as assigned by the city manager or as may be prescribed by law.

(f) *Division Head.* The director of public health shall head the division and shall have the assistance of such other personnel as shall be assigned by the commissioner of public health.

(g) *Duties & Responsibilities.* The director of public health shall:

- (1) administer and manage the tobacco control unit, the public health nursing, tobacco and burial permit units, including such educational, behavioral, prevention and tracking programs and activities related to any

of these functions of as may be developed by the division under the general superintendence of the commissioner of public health;

- (2) keep the commissioner of public health informed of the activities of the division and the information gathered by the division concerning public health issues;
- (3) administer the affairs of the board of health and serve as the keeper of its records, minutes and other papers; and,
- (4) perform the duties and responsibilities described in section 5(b)(1-10) above.

§ 10. Human Services Division

(a) *Division Head.* The human services division shall be headed by the city manager, or such other person and he or she shall designate from time to time as the head of the executive office division or assign the duties of this division under section 3(a) of this article.

(b) *Duties & Responsibilities.* The human services division head shall have the following authority and responsibilities:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the division and its offices;
- (2) supervise the personnel in the division by establishing rules, policies and practices governing the operations of the division; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the division, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (3) keep the city manager informed of the activities and needs of the division and provide the city manager with information developed by the division which would have a material impact on the financial condition of the city;
- (4) attend various neighborhood and community group meetings as directed by the city manager;
- (5) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (6) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (7) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager;
- (8) ensure that all actions of the division are taken in accordance with all executive orders and administrative directives issued by the city manager,

the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;

- (9) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the division, or any of its offices, by the city manager or the city council;
- (10) organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager; and,
- (11) determine the priorities of the division and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (12) prepare, monitor and manage the budget for the division, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager; and,
- (13) prepare, implement, evaluate and improve division operations, programs and projects in accordance with the goals and objectives established for the division by the city manager.

(c) *Table of Authorized Positions.* The division shall include a director of human services and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(d) *Manner of Appointment.* Each position in the division shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 11. Organization of Offices Within the Division of Human Services

(a) *Establishment of Offices.* The division shall be organized into the following offices for the following purposes:

Disability Commission & Office – to bring about full and equal participation in all aspects of life in the city for all people with disabilities;

Human Rights Commission & Office – to assure that every individual shall have equal access to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city;

Scholarships Office – to select the recipients of various scholarship funds and trusts held by the city, including the Thomas J. Early Scholarship Fund;

Status of Women Committee Office – to formulate, encourage, promote and monitor programs and policies relating to the status of women in the city;

Transitional Housing Services Office –to coordinate the provision of multiple government-based services and programs to individuals and families requiring immediate housing assistance and to administer the affairs of the commission on homelessness; and,

Veterans' Services Office – to provide services to veterans.

(b) *Duties & Responsibilities of Office Heads.* In addition to the special duties and responsibilities stated below for each office in the division, the head of each office shall also have the duty and responsibility to:

- (1) assist the human services division head in the performance of duties and responsibilities of the division and perform such other duties as may be assigned or requested by the division head or otherwise prescribed by law;
- (2) manage the budget for the office, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the division head;
- (3) supervise the personnel assigned to the office by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level authorized by the division head up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the office and payable from funds appropriated to the office;
- (5) keep the division head informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the office;
- (6) recommend to the division head implementing the rules, policies and practices governing the operations of the office as are approved by the division head; prepare, implement and evaluate office operations, programs and projects in accordance with the goals and objectives established for the office by the division head;
- (7) ensure that all actions of the office are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the division head;
- (8) make recommendations to the division head on changing or initiating any policy, operation, program or service to the public;
- (9) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the division head; and,

- (10) maintain any property assigned to the office by the division head.

§ 12. Disability Commission - Disability Office

(a) *Establishment of Commission on Disability.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the “Worcester Commission on Disability” (“commission”).

(b) *Membership.* The commission shall consist of seven members appointed by the city manager for three-year terms. The terms shall be staggered such that no fewer than two terms shall expire on May thirty-first of each year. A majority of said commission members shall consist of people with disabilities, one member may be a member of the immediate family of a person with a disability. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term.

(c) *Associate Members.* The city manager may appoint up to five associates of the commission, a majority of whom shall be persons with disabilities. The terms of associates shall expire on May thirty-first of each year and shall be staggered such that no more than two terms shall expire in any given year. Associates shall not be deemed members of the commission; however, whenever any member of the commission is absent from any meeting of the commission, associates shall, upon designation by the chairperson and by order of their appointment, fill such vacancies and shall have authority to participate and vote during such meeting. In making any such designation, the chairperson shall identify the member of the commission in whose stead the associate shall act. Should any absent member arrive at a meeting after an associate has been designated to act in his or her stead, the authority of the associate to act shall cease and the member shall take his or her place with the commission.

(d) *Duties & Responsibilities of the Commission.* The commission shall:

- (1) choose annually from among its regular members a chairperson, vice-chairperson and secretary, provided that it may designate the director of the commission on disability as its secretary;
- (2) research local problems of people with disabilities;
- (3) coordinate the activities of other local groups or individuals organized or committed to meet the needs of people with disabilities;
- (4) carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts Office on Disability;
- (5) review and make recommendations about policies, procedures, services and activities of city departments and agencies as they affect people with disabilities;
- (6) work in cooperation with city departments and agencies to bring about full and equal participation by people with disabilities;
- (7) advise and assist city officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities;

- (8) influence city policies and coordinate with programs of the Massachusetts Office on Disability;
- (9) encourage public awareness of disability issues;
- (10) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability;
- (11) recruit and recommend prospective commission members to the city manager; and,
- (12) submit an annual report to the city manager stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the status of persons with disabilities in Worcester.

(e) *Commission to Act Only By Majority Vote.* All actions of the commission shall be taken by majority vote of the commission members present and shall be recorded in the minutes of its meetings. No member of the commission shall claim or assert any regulatory or enforcement authority by virtue of membership on the commission. In no event shall any member of the commission claim to be acting on behalf of the commission unless such action was authorized in advance by vote of the commission.

(f) *Commission Attendance Required.* Any member who fails to attend any three consecutive meetings of the commission shall be deemed to have abandoned his or her membership on the commission. The commission may then recommend to the city manager that such position be declared vacant and request that a replacement be appointed and, if the city manager concurs with that recommendation, he shall then notify the member of his or her removal and proceed to fill the vacancy.

(g) *Powers & Duties of the Chair.* The chairperson of the commission shall have the following powers, duties and responsibilities:

- (1) establish the time, place and agenda for commission meetings in coordination with other commission members;
- (2) preside over meetings of the commission; and,
- (3) establish sub-committees of the commission and appoint members of the commission thereto.

(h) *Powers & Duties of the Vice-Chair.* The vice chairperson of the commission shall exercise the powers, duties and responsibilities of the chairperson in the event of the absence of the chairperson at any commission meeting or function or in the event of a vacancy in that position.

(i) *Duties of the Secretary of the Commission.* The secretary of the commission, either personally or through the commission on disability director, shall:

- (1) prepare and maintain minutes of all meetings of the commission and any of its sub-committees, which minutes shall include the date, time, place, members present or absent and the actions taken;

- (2) ensure that notice of all meetings is posted with the city clerk at least forty-eight hours before each meeting of the commission or any of its sub-committees;
- (3) maintain a file including all the correspondence and other papers received or generated by the commission or any of its sub-committees; and,
- (4) issue certified copies of any commission records or papers as required by law.

(j) *Acceptance of Grants.* The commission, with the approval of the city manager and a vote of the city council as provided in G.L. c. 44 § 53A, may accept in the name of the city of Worcester grants or gifts of funds from the federal government, a charitable foundation, a private corporation, an individual, or from the commonwealth or any city, town or county thereof. All grants or gifts shall be deposited in the city treasury and may be expended without further appropriation by the commission through contracts signed by the chairperson of the commission and the city manager as required by article 5-7 of the city charter or, if the amount is less than two thousand dollars, in accordance with the regulations issued or adopted by the city manager.

(k) *Disability Office Head.* The commission on disability director shall head the office and shall have the assistance of such other personnel as shall be assigned by the division head.

(l) *Duties & Responsibilities.* The commission on disability director shall:

- (1) assist the commission on disability in the performance of its legal duties and responsibilities;
- (2) administer the affairs of the commission on disability and serve as its keeper of the records; and,
- (3) perform the duties and responsibilities described in section 8(b)(1-10) above.

§ 13. Human Rights Commission - Human Rights Office

(a) *Human Rights Policy.* It is the policy of the city to assure that every individual shall have equal access to and benefit from all public services, to protect every individual in the enjoyment and exercise of civil rights and to encourage and bring about mutual understanding and respect among all individuals of the city. It is clear that behavior which denies equal treatment to any of our citizens as a result of their race, color, religious creed, status, sexual orientation, disability or source of income undermines civil order and deprives persons of the benefits of a free and open society. Nothing in this section shall be constructed as supporting or advocating any particular religious view or lifestyle. To the contrary, it is the intention of this section that all persons be treated fairly and equally and it is the expressed intent of this ordinance to bring about the elimination of prejudice, intolerance, bigotry, discrimination and the disorder occasioned thereby.

(b) *Establishment of Human Rights Commission.* Under authority of Article Six of the Home Rule Charter and to promote the human rights policy of the city, there is hereby established

under the jurisdiction of the city manager an executive board of the city to be known as the “Human Rights Commission” (“commission”).

(c) *Membership.* The commission shall consist of nine members appointed by the city manager for a term of three years provided, however, that, the terms shall staggered such that no more than three terms expire in any one year. The commission shall annually select one of its members as its chair. The chair shall preside over the meetings of the commission. The commission shall represent a broad spectrum of the Worcester community. Any vacancy, however created, other than by expiration of a term, shall be filled by appointment by the city manager for the unexpired portion of the term.

(d) *Duties & Responsibilities of Commission.* The commission shall possess and exercise the power and duty to:

(1) conduct investigations: to receive and investigate complaints of and to initiate its own complaints and/or investigations of:

- (A) the denial of equal access to and discrimination in employment, housing, education, recreation and public accommodation (regardless of the public or private source of such denial or discrimination) where such denial or discrimination against a person is based on race, color, religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income;
- (B) the denial to any person of equal access to and benefit from all public services;
- (C) the violation of the enjoyment and exercise by any person of his or her civil rights; and,
- (D) the presence in the city of prejudice, intolerance, bigotry, discrimination and the disorder occasioned thereby;

provided, however, that the executive director, with notice to the commission, shall refer any allegation involving the conduct of the any city employee, including the city manager, city clerk, city auditor or the superintendent of schools, to the Massachusetts Commission Against Discrimination or other appropriate state or federal agency and shall in no event initiate or otherwise conduct any investigation or inquiry regarding these officials or employees.

- (E) hold hearings: to take testimony, administer oaths, and conduct hearings and adjudicatory proceedings in accordance with sections 9, 10 and 11 of G.L. c.30A on any matter within its jurisdiction and, with the assistance and advice of the city solicitor, subpoena witnesses, seek court orders to compel the attendance of witnesses or the production of documents or other evidence;
- (F) conduct mediation: to attempt, by mediation, to resolve any complaint over which it has jurisdiction and to recommend to the city manager or other appropriate governmental agency, federal, state or local, such action as it deems appropriate. In the conduct of any such mediation the commission may utilize not only the members and staff of the commission but such organizations as the Worcester County Bar

Association, the National Association for Dispute Settlement of the American Arbitration Association and any other similar organizations;

- (G) issue orders and reports: after completion of any investigation or hearings on any complaint or matter not resolved by mediation, the commission may:
 - (H) upon a finding of an "unlawful practice", as that term is defined under section 4 of G.L. c.151B, issue cease and desist orders to the party believed to be responsible for such unlawful practice; provided, however, that in no event shall the commission issue any cease and desist orders to the city, its departments and agencies, or its employees insofar as the city employee is or was acting within the scope of his or her employment.
 - (I) make a written report of its recommendations and findings to:
 - (i) the city manager on any matter within the manager's jurisdiction for review and implementation (including the taking of disciplinary or administrative action) as the city manager deems justified; or,
 - (ii) the school committee or superintendent of schools on any matter within their jurisdiction; or
 - (iii) the city council for employees under its jurisdiction; or the Massachusetts Commission Against Discrimination (MCAD) on any matter within its jurisdiction;
 - (iv) other governmental agency having jurisdiction over the matter in question,and, in all cases, urging and using its best efforts to bring about compliance with its recommendation; or
 - (J) assist in securing legal representation for complainants for who, in the opinion of the commission, are indigent or facing undue financial hardship and arrange for legal representation for any complainant who, in the opinion of the commission, has a justifiable complaint which involves a matter outside of the jurisdiction of either the city manager, city council, superintendent of schools or school committee, yet one which is within the jurisdiction of the commission but must be processed by the complainant before the MCAD or some other state or federal governmental agency (or court), provided, however, that the commission shall attempt to secure such representation only for those complainants for whom undue hardship, in the opinion of the commission, would otherwise result;
- (2) review departmental policies: to review the existing policies, rules and regulations of any city department, board, commission or agency and provide its comments, conclusions and recommendations in writing to the city manager and the head or executive officer of any such city department, board, commission or agency, to the extent the foregoing regulations relate to the human rights ordinance of the city;

- (3) review departmental disciplinary actions: to review the results of any internal disciplinary action taken by any department, board, commission or agency of the city, including reports of the internal affairs division of the police department, and to make comments, conclusions and recommendations jointly to the city manager and the head or executive officer of any such department or agency to the extent such internal disciplinary investigations relate to the human rights ordinance of the city. Upon the request of the director, the head or executive officer of any department or agency of the city shall forward to the director a copy of any internal disciplinary action report at such time and only to the extent such report becomes a public record under the laws of the commonwealth. The head or executive officer of any city department or agency shall also furnish, subject to the provisions of this ordinance and with the advice and consent of the city solicitor, any other such records and information that the director may request relative to any internal disciplinary action. The director shall furnish the commission with copies of any internal disciplinary action report so received and may disclose to the commission, in an appropriate manner or setting as permitted or required by law, any other records and information received pursuant to this subsection. Any individual employed by the city, including members of the commission, the director or other staff, whether compensated or volunteers, who discloses any records or information of a personal nature or otherwise not subject to mandatory release under the public records law of the commonwealth, to any person, except as provided for herein, may be subjected to employee discipline by the appropriate city official or removed from the commission by the city manager, as the case may be;
- (4) issue publications: to issue such publications and such results of investigations and research as, in its judgment, will tend to promote good will and minimize or eliminate discrimination because of race, color, religious creed, national origin, sex, age or ancestry, marital status, parental status, sexual orientation, disability or source of income;
- (5) develop training programs: to develop, in cooperation with the executive offices of human resources and employment and training as well as any federal, state or other city agency or department, programs of instruction for city employees, other municipal employees, or private sector businesses, institutions or employees concerning the elimination of prejudice, intolerance, bigotry and discrimination and the value of mutual self-respect and the achievement of harmonious relationships among all individuals;
- (6) create committees: to create such committees from the members of the commission as, in the commission's judgment, will best aid in effectuating the provisions of this ordinance and to empower such sub-committees to study the problems of prejudice, intolerance, bigotry and discrimination existing in the city due to denial of equal treatment as a result of race, color, religious creed, national origin, gender, age, ancestry, marital status, parental status, sexual orientation, disability or source of income;
- (7) make recommendations and annual reports: to make such recommendations to any public official or public body as, in its judgment, will effectuate the policy of this ordinance and, annually, to make a written report to the city manager of its activities. The commission's annual report to the city manager shall be made available to the public;

- (8) make rules and regulations: to adopt rules and regulations consistent with this ordinance and the laws of the commonwealth to carry out the policy and provisions of this ordinance and the powers and duties of the commission in connection therewith; and to perform such other duties as may be prescribed under law;
- (9) In no event shall the commission file, or in any way be a party to any criminal actions or complaints in any court of law. In all civil matters the commission shall be represented solely by the city solicitor.

(e) *Contributions.* The commission may, with the approval of the city manager and city council, on behalf of the city, accept contributions, grants and appropriations from other governmental agencies and from civic and charitable foundations, trusts and other organizations, private or public, to effectuate the provisions of this section.

(f) *Relations with City Agencies.* Subject to the provisions of the city charter and the laws of the Commonwealth, the commission shall receive the cooperation and assistance of all city departments and agencies. The commission shall respect the privacy of all individuals. In the event the staff or members of the commission receive any documents or information of a confidential nature, or which would be exempt from disclosure under the public records law or which pertains to a subject eligible for discussion in executive session, neither the staff nor members of the commission shall release or divulge such documents or information to parties outside of the commission, its staff, the law department or any other appropriate city official. Unless otherwise provided, herein, all city departments and agencies shall respond to commission requests for administrative and legal services within ten working days of the date of receipt of any such request.

(g) *Definitions.* For purposes of this section the following definitions shall apply:

“age” refers to the actual or supposed chronological age of an individual eighteen years or older and shall relate to claims of denial of equal treatment due to age. This shall not limit the rights of persons under age eighteen to file a complaint for other than age discrimination (e.g. race discrimination, etc.) if accompanied by a guardian, where necessary.

“disability” refers to any actual or supposed physical or mental handicap of an individual, other than legal incompetency.

“internal disciplinary investigation” refers to any inquiry by the city manager or head of any city department or agency to determine whether the conduct of city employees complies with the ordinances, orders, policies and procedures of the city and, if not, what disciplinary measures are appropriate, insofar as such conduct involves allegations of the impairment or violation of the civil or human rights of any individual.

“marital status” refers to the actual or supposed state of being or having been unmarried, married, separated, divorced or widowed.

“parental status” refers to the actual or supposed condition of having or not having children.

“person” includes, but is not limited to, one or more individuals, partnerships, associations, corporations, agencies, legal representatives, trustees, trustees in

bankruptcy and receivers, the city and all political subdivisions, boards and commissions.

“sexual orientation” refers to actual or supposed homosexuality, heterosexuality or bisexuality or orientation or practice including, but not limited to, an orientation that may be presumed on the basis of mannerisms, physical characteristics, manner of dress or deportment.

“source of income” refers to the actual or supposed manner or means by which an individual supports himself or herself and his or her dependents excluding the use of criminal activities as a means of support.

(h) *Construction.* The provisions of this section shall be construed liberally for the accomplishment of the purposes hereof. Nothing herein shall be construed to limit civil rights granted or hereinafter afforded by federal and state law.

(i) *Effect of State and Federal Law.* Nothing in this section shall be deemed to exempt or relieve any person from any liability, duty, penalty or punishment provided by any present or future law of the commonwealth of Massachusetts or the United States, other than any such law which purports to require or permit the doing of any act which would be unlawful under this section.

(j) *Human Rights Office Head.* The director of human rights shall head the office and shall have the assistance of such other personnel as shall be assigned by the division head.

(k) *Duties & Responsibilities.* The director of human rights shall:

- (1) administer the affairs of the human rights commission and serve as the keeper of its records;
- (2) manage the programs and activities of the office;
- (3) have the power and duty to initiate complaints and investigations of discriminatory practices, report his or her findings to the commission and attempt mediation or conciliation of any complaint alleging discrimination;
- (4) perform such additional duties consistent with the human rights ordinances as may be assigned from time to time by vote of the commission; and,
- (5) perform the duties and responsibilities described in section 8(b)(1-10) above.

§ 14. Transitional Housing Services Office

(a) *Office Head.* The director of transitional housing services shall head the office and shall have the assistance of such other personnel as shall be assigned by the division head.

(b) *Duties & Responsibilities.* The director shall:

- (1) develop, maintain and implement plans for the relocation of individuals and families displaced from their housing due to code or housing enforcement or other actions of the city;

- (2) assist the Commission on Homelessness in the implementation, monitoring and updating of the *Three Year Plan to End Homelessness in Worcester* as originally developed by the city manager's task force on homelessness and presented to the city council on December 3, 2007;
- (3) conduct periodic reviews of the needs of homeless individuals and families;
- (4) assist the Commission on Homelessness in the development of performance measurements and benchmarking criteria to quantify the impact of homelessness programs;
- (5) assist the Commission on Homelessness in the development of recommendations to the city manager on legislative initiatives consistent with the *Three Year Plan to End Homelessness in Worcester*;
- (6) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving homelessness programs and services;
- (7) administer and keep the records of the Commission on Homelessness; and,
- (8) perform the duties and responsibilities described in section 8(b)(1-10) above.

§ 15. Veterans' Services Office

(a) *Office Head.* The director of veterans' services shall head the office and shall have the assistance of such other personnel as shall be assigned by the division head.

(b) *Duties & Responsibilities.* The director shall:

- (1) administer and manage the programs and activities of the office under the general superintendence of the division head;
- (2) perform all duties prescribed by chapter one-hundred fifteen of the General Laws;
- (3) administer the disbursement of veterans' benefits;
- (4) provide services to veterans, members of the armed forces, their families and their dependents;
- (5) provide information and advice to veterans as may be necessary to enable them to procure the benefits to which they are entitled;
- (6) maintain close cooperation with state and federal agencies established for the aid of veterans; and,
- (7) perform the duties and responsibilities described in section 8(b)(1-10) above.

§ 16. Early Scholarship Committee

(a) *Establishment of Early Scholarship Committee.* Pursuant to chapter 194 of the Acts of 1986, as amended by chapter 712 of the Acts of 1987, which added section three C of chapter sixty of the General Laws of Massachusetts, as accepted by the city by vote of the city council on January 13, 1987, and under authority of Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager a scholarship committee of the city to be known as the “Early Scholarship Committee” (“committee”).

(b) *Membership.* The committee shall consist of five residents of the city, one from each election district, appointed by the city manager for terms of three years. The terms shall be staggered such that two terms shall expire each July thirty-first for two consecutive years and one term shall expire on July thirty-first of the next year. The superintendent of schools of the city, or his or her designee, shall also serve on the committee as an ex-officio member.

(c) *Duties & Responsibilities.* The committee shall serve in the memory of former Mayor and City Councilor Thomas J. Early, select the recipients of the amount of financial aid from the scholarship fund created by section three C of chapter sixty of the General Laws and perform such other functions, including the selection of scholarship recipients from other sources of funds, as may be designated by the city manager.

(d) *Selection Criteria.* The committee may adopt any criteria to assist in the selection of recipients, subject to any relevant ordinance and further subject to the following criteria:

- (1) the recipients of financial aid must be residents of the city at the time the financial aid is first awarded and have been accepted to pursue education beyond the secondary school level at an institute deemed accredited by the committee; and,
- (2) the committee shall take into consideration each recipients' financial need, character, scholastic record and involvement in community work as well as extracurricular school activities.

(e) *Distribution of Aid.* The committee may distribute financial aid from both interest and principal of the fund, without further appropriation. The committee shall establish a procedure for determining at least on an annual basis the amounts or percentage of the funds that shall be authorized for distribution and for notifying the city treasurer or other investing officer or agency so that the funds may be made available in a timely manner and with a minimum of penalties.

§ 17. Homelessness Commission

(a) *Establishment of Commission on Homelessness.* Under authority of Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Commission on Homelessness” (“commission”).

(b) *Membership.* The commission shall consist of nine members appointed by the city manager for a term of three years provided, however, that, the terms shall staggered such that no more than three terms expire in any one year. The city manager shall designate from the

membership of the committee a chair and vice-chair. The members of the committee shall consist of one member from among those nominated by the following agencies and entities:

- (1) Worcester Housing Authority;
- (2) Worcester Public Schools;
- (3) A provider of shelter;
- (4) A health care provider.;
- (5) A workforce development agency;
- (6) A neighborhood crime watch or neighborhood-based organization;
- (7) A business entity operating within the city; and,
- (8) Two members not otherwise affiliated and maintaining their primary residence in the city;

(c) The city manager shall establish open, fair and equitable procedures for soliciting nominees from the various entities and agencies listed and shall publish such procedures for an appropriate time prior to soliciting nominees for appointment to the commission.

(d) The city manager shall annually select one of its members as its chair. The chair shall preside over the meetings of the commission. The commission shall represent a broad spectrum of the Worcester community. Any vacancy, however created, other than by expiration of a term, shall be filled by appointment by the city manager for the unexpired portion of the term.

(e) Duties & Responsibilities of Commission. The commission shall possess and exercise the power and duty to:

- (1) implement, monitor and update the *Three Year Plan to End Homelessness in Worcester* as originally developed by the city manager's task force on homelessness and presented to the city council on December 3, 2007;
- (2) conduct periodic reviews of the needs of homeless individuals and families;
- (3) make recommendations to the city manager for city budgetary expenditures to end homelessness;
- (4) advocate to meet the needs of the homeless; and,
- (5) make reports to the city manager on the progress of the implementation of the Three Year Plan to End Homelessness in Worcester.

§ 18. Status of Women Committee

(a) *Establishment of the Advisory Committee on the Status of Women.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an agency of the city to be known as the "Advisory Committee on the Status of Women" ("committee").

(b) *Membership.* The committee shall consist of fifteen persons appointed by the city manager for three year terms. The terms shall be staggered such that five terms shall expire on August thirty-first of each year. From time to time, the city manager shall designate the chair of the committee.

(c) *Duties & Responsibilities.* It shall be the function of the committee to:

- (1) formulate, encourage, promote and monitor programs and policies relating to the status of women in the city;
- (2) submit annually to the city manager a report stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the status of women in Worcester; and,
- (3) appoint sub-committees as may be needed to carry out its responsibilities.

Article 7. Emergency Communications Department

- § 1. Establishment
 - § 2. Function
 - § 3. Head of Department
 - § 4. Authorized Positions
 - § 5. Organization of the Office
 - § 6. Emergency Communications Division
 - § 7. Emergency Management Division
 - § 8. Declarations of Emergencies
 - § 9. Licenses
 - § 10. Conflict with State Law
 - § 11. Regulations
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Emergency Communications Department” (“department”).

§ 2. Function

It shall be the function of the department to provide and maintain public safety communications services and administer the emergency response management functions of the city including the Metropolitan Medical Response System and biological hazard unit.

§ 3. Head of Department

(a) *Department Head.* The department shall be headed by a director of emergency communications (“director”), who shall be appointed by and shall serve at the pleasure of the city manager.

(b) *Duties & Responsibilities.* The director shall be responsible for the performance of the functions of the department and shall:

- (1) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the department;
- (2) manage the budget for the department, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer or the city auditor;

- (3) administer the award and implementation of contracts concerning matters under the responsibility of the department and payable from funds appropriated to the department;
- (4) supervise and direct the employees in the department by establishing rules, policies and practices governing the operations of the department; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the department; evaluating the performance of individual employees in the department, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (5) keep the city manager informed of the activities and needs of the department and provide the city manager with information developed by the department which would have a material impact on the peace, security and good order of the city;
- (6) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service;
- (7) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (8) identify, acquire, maintain and renew any license necessary or useful in carrying out the duties and responsibilities of this section;
- (9) administer the department and its employees and, to inform the heads of city departments or divisions whenever employees of such departments or divisions fail to comply with applicable laws, regulations, training or practices required or recommended by the department;
- (10) ensure that all actions of the department are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these revised ordinances, the home rule charter, the Constitutions and laws of the commonwealth and the United States of America;
- (11) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the department by the city manager and the city council;
- (12) determine the priorities of the department and prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager; and,
- (13) prepare, implement, evaluate and improve department operations, programs and projects in accordance with the goals and objectives established for the department by the city manager;
- (14) perform such other tasks and functions as may be requested by the city manager, or anyone acting under authority of the city manager.

§ 4. Authorized Positions

The department shall consist of the director and such other personnel as the city council, with the advice of the city manager, shall from time to time authorize.

§ 5. Organization of the Office

(a) *Establishment of Divisions.* The department shall be organized into two divisions for the following purposes:

Emergency Communications Division - to provide and maintain public safety communications services and administer the emergency response management functions of the city;

Emergency Management Division - to administer the emergency response management functions of the city.

(b) *Management of Divisions.* The duties and responsibilities of division heads described in this section shall be performed by the director until such time as the city council, with the advice and consent of the city manager, might establish and fund any one or more separate division head positions under the table of authorized positions for the department, the annual budget and the salary ordinance. The director, with the advice and consent of the city manager, may assign the responsibilities of both divisions to one individual in the service of the department.

(c) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated in this section for each division of the department, the head of each division shall also have the duty and responsibility to:

- (1) assist the director in the performance of the duties and responsibilities of the head of the department and perform such other duties as may be assigned or requested by the director or otherwise prescribed by law;
- (2) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the director;
- (3) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the division, recommending promotions and honors and disciplining personnel at any level authorized by the director up to and including suspensions for no more than five working days;
- (4) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;

- (5) keep the director informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
- (6) recommend to the director and implement the rules, policies and practices governing the operations of the division as are approved by the director;
- (7) prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the director;
- (8) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures established by the city auditor) and the directives of the director;
- (9) make recommendations to the director on changing or initiating any policy, operation, program or service to the public;
- (10) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the director; and,
- (11) maintain any property assigned to the division by the director.

§ 6. Emergency Communications Division

The director shall be responsible for the operation and coordination of the emergency communications services of the department and shall:

- (a) operate and maintain a central communications center for all public safety communications, keep audio recordings of emergency telephone activity and public safety radio transmissions, and make the same available to public safety agencies as their needs might require;
- (b) provide and maintain radio and telecommunications and services and facilities for all city departments and agencies including the school department;
- (c) allocate and assign various portions of the radio and telecommunications facilities of the city to the various city departments and agencies;
- (d) ensure compliance with all state or federal laws and regulations concerning the radio and telecommunications facilities and services provided by the department.

§ 7. Emergency Management Division

The director shall be responsible for the operation and coordination of the emergency management functions of the department and shall:

- (a) administer the emergency response management functions of the city;

- (b) act as the agent of the city manager in the preparation, planning, organization, maintenance, administration and operation the emergency response management and civil defense duties and activities of the city as the same may be authorized or required by law, including chapter 639 of the Acts of 1950 and any regulations promulgated thereunder, or any declaration of emergency issued by the city manager under section eight of this article, or by the governor of the commonwealth or the president of the United States as provided by law;
- (c) administer, manage and incorporate into emergency response management and planning the Metropolitan Medical Response System/biological hazard unit formerly associated with the division of public health and in so doing to seek the advice and counsel of the commissioner of public health;
- (d) develop, test, maintain, and document procedures and protocols for the coordination of state, local and federal agencies responding to any emergency as described herein;
- (e) develop, test, maintain, and document interoperability communications protocols for the coordination of state, local and federal agencies responding to any emergency;
- (f) provide training in emergency response matters for members of the department, members of other city departments, employees of any other city or town in Worcester County, volunteers and the public in general;
- (g) manage, operate and maintain the emergency operations center (E.O.C.);
- (h) maintain an inventory of equipment and supplies which would be required during any emergency response;
- (i) maintain liaison with the state and federal civil defense and emergency management agencies and cooperate with such agencies in carrying out the national program for civil defense and the state program for emergency management;
- (j) maintain complete records of all matters relating to any response to any such emergency, including records of all expenditures for salaries, overtime, supplies, services and equipment made or incurred as part of any such response;
- (k) take any and all actions necessary and proper to implement any provision of any declaration of emergency issued by the city manager under section eight of this article, or by the governor of the commonwealth or the president of the United States as provided by law;
- (l) perform such other duties as may be prescribed by the city manager.

§ 8. Declarations of Emergencies

(a) Whenever any natural disaster, heavy snow or ice storm, drought, or fire, or chemical, biological and nuclear accident or attack, or riot, mob or other act of lawlessness or civil disorder, endangers the health, safety and good order of persons or property within the city, the city manager may declare a state of emergency. Any such declaration shall state the reasons

for its issuance, the geographic area governed, what property or types of property may be appropriated to respond to the specified emergency and the extent to which ordinarily lawful activity shall be prohibited or impaired. The city manager shall, as soon as practicable, transmit any such declaration to the city clerk. The city council may, by two-thirds vote, repeal, rescind or modify any such declaration.

(b) During any state of emergency as described herein, the city manager may, within the limits of the amount appropriated therefore, appoint such experts, clerks, assistants, and such personnel as the work of the department may require, and he may remove them. The city manager shall have the authority to appoint district coordinators as may be required. The city manager may make such expenditures within the appropriation therefore, or from other funds available to him, as may be necessary to execute effectively the purpose of chapter 639, Acts of 1950, or any other applicable law. The city manager may take command of any or all motor vehicles and other mechanical means of transportation, and all equipment related thereto, owned or controlled by the city or any of its departments, boards, commissions and agencies, for the duration of the state of emergency and deem such vehicles emergency vehicles. All city employees in possession of such vehicles and equipment shall comply with the directives of the city manager regarding the use of any such vehicle.

(c) The city manager on behalf of the city shall have the authority to receive on behalf of the city, services, equipment, supplies, material or funds by way of gift, grant or loan, for purposes of civil defense, ordered by the federal or state government, or any agency or office thereof, or any person, firm or corporation, subject to the terms of the offer and the rules and regulations, if any, of the agency or entity making the offer.

(d) All references to chapter 639, Acts of 1950, shall be applicable to act or acts in amendment or continuation of or substitution for chapter 639. Nothing in this article shall be deemed to limit or otherwise abridge the emergency powers or direction and control over emergency management or civil defense vested in the city manager by virtue of the Home Rule Charter, any statute or the common law.

§ 9. Licenses

The director, with the approval of the city manager, may issue licenses to any public or private entity interested in utilizing any radio or telecommunication service or facility under the care, custody and control of the department. No such license shall be issued unless 1) the director determines in writing that the service or facility usage permitted by the license shall not materially diminish the radio or telecommunications services or facilities required by city departments and agencies; and, 2) the licensee pays a license fee to the city. The director shall, with the approval of the city manager, establish appropriate fees for such licenses. Any license issue under this section shall not exceed a term of twelve months, but may be renewable or self-renewable for additional one year periods, and shall be revocable at the will of the director.

§ 10. Conflict with State Law

Nothing in this article shall be deemed to conflict with the General Laws or abridge the authority vested in the city manager, the chief of police or the chief of the fire department.

§ 11. Regulations

The director may promulgate such rules and regulations as may be deemed necessary or proper to the purposes of this article.

Amendment 9417

**AN ORDINANCE AMENDING THE MONTVALE HISTORIC DISTRICT
BY THE ADOPTION OF A NEW MAP ENLARGING THE DISTRICT**

Section 17 (b) of Article Three, Part II, of the Revised Ordinances of 2008 is hereby amended by deleting it in its entirety and inserting in lieu thereof the following:

(b) Establishment of Massachusetts Avenue & Montvale Historic Districts.

Under authority of General Laws, chapter forty C, section three, there are hereby established historic districts to be known as the “Massachusetts Avenue Historic District” and the “Montvale Historic District.” The Massachusetts Avenue Historic District is shown on a map dated August, 1973 and revised September, 1974, and the Montvale Avenue Historic District is shown on a map dated February 28, 2008, both maps are on file with the city clerk and made a part hereof, and are also recorded with the Worcester District Registry of Deeds.

In City Council January 12, 2010

Passed to be ordained by a yea and nay vote of Nine Yeas and Two Nays

A Copy. Attest:

David J. Rushford, Clerk
David J. Rushford
City Clerk

Amendment 9448

AN ORDINANCE RELATIVE TO THE TERM OF CONSTABLE APPOINTMENTS

Be it ordained by the City Council of the City of Worcester, as follows:

1. Article Six of Part Two of the Revised Ordinances of 2008 is hereby amended by deleting section 10(a) in its entirety and inserting a new section ten, as follows:

§ 10. Constables

(a) The city manager may appoint constables pursuant to the requirements of G.L. chapter forty-one, sections ninety-one and ninety-one B, for terms of three years in accordance with this section. commencing on January first of any given year. No person who is not a resident of the city shall be eligible for appointment as a constable; provided, however, that the foregoing provision shall not apply to regular full-time employees of the city who are required by the terms of their employment with the city to become constables. The city manager shall, from time to time, as public good may require, establish the number of constables to be appointed in the city. The chief shall investigate each applicant's fitness and qualifications under law for appointment as a constable. Any applicant seeking appointment or reappointment shall pay an application fee which shall be established by the chief from time to time. Each constable shall give a bond to the city for the term of their appointment in the amount required by the city, with sureties approved by the city, and shall file the bond, with the approval of the city manager endorsed thereon, with the city clerk.

(b) In order to transition from a one-year term to a three-year term, the chief shall by lottery divide all persons seeking constable appointments for calendar year 2011 and beyond into three classes with one class to be appointed for one year, the second class to be appointed for two years and the third class to be appointed for three years. Thereafter, all constable appointments shall be for three years.

2. This ordinance shall take effect upon passage except that any constable appointed in calendar year 2010 shall be for a term of one year expiring on January 1, 2011. The provisions of subsection (b) shall expire on January 1, 2014.

In City Council February 23, 2010

Passed to be ordained by a yeas and nays vote of Nine Yeas and No Nays

A Copy. Attest:

David J. Rushford, Clerk
David J. Rushford
City Clerk

Amendment 9490

AN AMENDMENT TO THE ORGANIZATION PLAN FOR THE EXECUTIVE OFFICE OF ECONOMIC AND NEIGHBORHOOD DEVELOPMENT CONCERNING THE CULTURAL COMMISSION

Whereas, in 2008, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2008, Part Two, Organization of City Agencies; and

Whereas, in 2009, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Reorganization Plan affecting various departments, boards and commissions, thereby amending the Revised Ordinances of 2008, Part Two, Organization of City Agencies; and

Whereas, to align the nomenclature of the Cultural Commission with that of other Local Cultural Councils by adopting the name Arts Council;

Now, Therefore, Be it Ordained by the City Council of the city of Worcester, as follows:

§1. The Revised Ordinances of 2008, Part Two, Organization of City Agencies, are hereby amended by deleting the entire text of Article Three, Section 16 and inserting in lieu thereof a new Section 16, the text of which is attached hereto and incorporated herein by reference.

Effective Date

§2. In accordance with Article Six of the city charter, this ordinance shall take effect on the date it is adopted and shall apply retroactively to the extent permitted by law to July 1, 2010.

§16. Arts Council

(a) *Establishment of the Arts Council.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Arts Council” (“council”).

(b) *Membership of the Arts Council.* The council shall consist of nine members who shall be appointed by the city manager for a term of three years. The terms shall be staggered such that three terms expire on December thirty-first of each year. The city manager shall from time to time designate one of the members of the council as its chair.

(c) *Duties & Responsibilities.* The council shall:

- (1) promote the cultural affairs of the city;
- (2) conduct studies and research and publish reports on cultural activities;
- (3) cooperate with federal and state cultural agencies;

- (4) advise municipal agencies of cultural matters;
- (5) allocate any funds received by the council for cultural projects, programs or activities in accordance with law; and,
- (6) perform such other duties as may be prescribed by law.

In City Council June 15, 2010

Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays

A Copy. Attest:

David J. Rushford, Clerk

David J. Rushford

City Clerk

Amendment 9531

**AN ORDINANCE AMENDING SECTION 16 OF ARTICLE 1, PART II OF THE
REVISED ORDINANCES OF 2008 RELATIVE TO
THE MAYOR THOMAS J. EARLY MEMORIAL SCHOLARSHIP COMMITTEE**

Be it ordained by the City Council of the City of Worcester, as follows:

Section 16 of Article 1, Part II, of the Revised Ordinances of 2008 is hereby amended by deleting subsections (a) and (b) in the entirety and inserting in lieu thereof new subsections (a) and (b), as follows:

(a) *Establishment of Early Scholarship Committee.* Pursuant to chapter 194 of the Acts of 1986, as amended by chapter 712 of the Acts of 1987, which added section three C of chapter sixty of the General Laws of Massachusetts, as accepted by the City by vote of the City Council on January 13, 1987, and under authority of Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the City Manager a scholarship committee, as an executive committee of the City, to be known as the “Early Scholarship Committee” (“committee”).

(b) *Membership.* The committee shall consist of five residents of the City appointed by the City Manager for terms of three years. The terms shall be staggered such that two terms shall expire each July thirty-first for two consecutive years and one term shall expire on July thirty-first of the next year. The superintendent of schools of the City, or his or her designee, shall also serve on the committee as an ex-officio member.

**In City Council September 21, 2010
Passed to be ordained by a yeas and nays vote of Nine Yeas and No Nays**

A Copy. Attest:

David J. Rushford, Clerk
David J. Rushford
City Clerk

Amendment 9615

An Ordinance Amending the Organizational Ordinances of Various Departments, Boards & Commissions of the City of Worcester

Whereas, in 2008, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2008, Part Two, Organization of City Agencies; and,

Whereas, in conjunction with the adoption of the budget for fiscal year 2010, the 2008 Comprehensive Reorganization Plan in the Revised Ordinances of 2008 was amended with several significant consolidations and revisions deleting the Department of Health & Human Services and redistributing its divisions, revising the Emergency Communications Department and transferring the animal inspection division to the Police Department; and,

Whereas, the city manager has recommended additional modifications to the 2008 Comprehensive Reorganization Plan in the Revised Ordinances of 2008 in conjunction with the adoption of the budget for fiscal year 2011, modifications that enhance the efficiency of the building maintenance responsibilities of the city, reflect the transfer of the airport to the Massachusetts Port Authority and correct an error in the ordinances concerning the length of term of the city auditor.

Now, Therefore, Be it Ordained by the City Council of the city of Worcester, as follows:

§ 1. Article Four of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Department of Administration and Finance, is hereby amended to provide the Department of Administration and Finance with authority to perform building maintenance and other related functions by deleting the word “and” after subsection 3(b)(10) thereof; inserting the word “and” after subsection 3(b)(11) thereof; and, inserting in lieu thereof a new subsection 3(b)(12) thereof as follows:

- (12) perform building maintenance and management services for public buildings, including City Hall, the DCU Center, Union Station, as may be directed from time to time by the city manager.

§ 2. Article Five of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Department of Public Works and Parks, is hereby further amended by deleting the words “city hall and” from section 9(b)(1) thereof so as to complete the transfer of responsibility for maintenance of city hall from the Department of Public Works and Parks to the Department of Administration and Finance.

§ 3. Article Four of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Department of Administration and Finance, is hereby further amended to provide for the transfer of the provisions establishing the Civic Center Commission as an agency of the city from section 10 of Article Five of Part Two of said Revised Ordinances to Article Four of Part Two of said Revised Ordinances as a new section 12 as follows:

§ 12. Civic Center Commission

(a) *Establishment.* Under authority of chapter 216 of the Acts of 1976, as amended, and Article X, § 10-6(a)(2), of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Civic Center Commission” (“commission”).

(b) *Membership.* The commission shall consist of five persons, residents of the city, who shall be appointed by the city manager with the approval of the city council. The members of the commission shall serve for terms of five years. The terms shall be staggered such that one term expires on October fourth of every year. The chair of the commission shall be designated by the city manager.

(c) *Duties & Responsibilities.* The board shall:

- (5) have care, custody and control of the arena and convention center facility known as the "DCU Center" and such other facilities as the city council may from time to time place under the care, custody and control of the commission;
- (6) perform and exercise the authority granted by the duties prescribed in chapter 216 of the Acts of 1976; and,
- (7) adopt rules and regulations in accordance with law for the conduct of its affairs and the operation of any facility under its care, custody and control; and,
- (8) perform such other duties as may be prescribed by law.

§ 4. Article Five of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Department of Public Works and Parks, is hereby further amended by deleting the provisions concerning the Civic Center Commission from Article Five thereof by deleting section 10 of said Article Five in its entirety and renumbering the remaining sections of said Article Five accordingly.

§ 5. Article Eleven of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Auditing Department, is hereby amended by changing the word "three" to "two" as it appears in section 4 thereof to reflect the fact that the city charter provides for the election of a city auditor for a term of two years.

§ 6. Article Three of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Executive Office of Economic & Neighborhood Development, is hereby amended to reflect the transfer of ownership of Worcester Regional Airport to the Massachusetts Port Authority by deleting section 20 thereof in its entirety.

§ 7. Upon the effective date of this ordinance any and all residual real, personal and intangible property of the Worcester Regional Airport Commission not previously transferred to the Massachusetts Port Authority under the Transfer Agreement dated June 2010 or not previously transferred to another department or officer of the city of Worcester by the June 1, 2010 vote of the city council acting upon the recommendation of the city manager, including any contractual obligations, unspent appropriations, funds received, and the like, shall be transferred to the jurisdiction of the city manager for disposition or reallocation in accordance with law.

§ 8. Nothing herein shall diminish or impair any level of discretion to exercise independent judgment in the public interest as may be vested in any city officer, board or commission under state or federal law.

§ 9. The grant of authority made by these ordinances to any officer, department, division, board or commission of the city, to perform any function, operate any program, provide any service or

conduct any activity, shall be deemed to be the fullest grant of public authority as may be authorized by law and, further, recognizing that these ordinances may grant authority to act in the public interest to one or more officer, department, division, board or commission of the city, the grant of authority to any one such officer, department, etc., shall not be deemed to impair or exclude the actions of any other officer, department, division, board or commission similarly authorized.

§ 10. The repeal of the ordinances accomplished by section one hereof shall not apply impair any lawful action taken under authority of the ordinances previously in effect.

§ 11. Nothing herein shall repeal or impair any executive order, directive or administrative policy issued by the city manager.

§ 12. Pursuant to Article Ten of the Home Rule Charter, General Laws chapter 43, § 5, and similar provisions of any previous city charter, nothing herein, unless expressly stated herein, shall negate or relinquish any authority granted to any officer, department, division, board or commission of the city by any special act, general law, prior charter provision, or any other legal authority in so far as the same may have provided the basis for the establishment of any city department or agency which is reestablished and continued Under Article Six of the Home Rule Charter or by any provision of any previous version of the Revised Ordinances of the city of Worcester.

Effective Date

§ 13. In accordance with Article Six of the city charter, this ordinance shall take effect on July 1, 2010.

Pursuant to Article VI, subsection (b) of its Home Rule Charter the following ordinance was approved by Constructive Adoption with an effective date of March 1, 2011.

A Copy. Attest:

David J. Rushford, Clerk
David J. Rushford
City Clerk

Amendment 9654

An Ordinance Amending the Organizational Ordinances of Various Departments, Boards & Commissions of the City of Worcester

Whereas, in 2008, the City Council, acting upon the recommendation of the City Manager and under Article VI of the Home Rule Charter, adopted a Comprehensive Reorganization Plan containing a new Revised Ordinances of 2008, Part Two, Organization of City Agencies; and

Whereas, the 2008 Comprehensive Reorganization Plan was further revised in conjunction with the annual budgets for fiscal years 2010 and 2011; and

Whereas, the 2008 Comprehensive Reorganization Plan was further revised by enactment of a reorganization plan 90 days after submission of such plan to the city council on November 30, 2010; and

Whereas, the City Manager has recommended additional modifications to the 2008 Comprehensive Reorganization Plan in conjunction with the adoption of the budget for fiscal year 2012.

Now, Therefore, Be it Ordained by the City Council of the City of Worcester, as follows:

§ 1. Article Three of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Executive Office of Economic and Neighborhood Development, is hereby amended by deleting this article in its entirety and inserting in lieu thereof a new Article Three, the text of which is attached hereto as an appendix and incorporated herein by reference.

§ 2. Article Five of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Department of Public Works and Parks, is hereby amended by deleting section 11 thereof entitled "Conservation Commission" in its entirety.

§ 3. Article Six of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Police Department, is hereby amended by deleting section 16 thereof entitled "License Commission" in its entirety.

§ 4. Article One of Part Two of the Revised Ordinances of 2008, Organization of City Agencies, Executive Office of the City Manager, is hereby amended by deleting from subsection 5(a) thereof the following text:

Transitional Housing Services Division –to coordinate the provision of multiple government-based services and programs to individuals and families requiring immediate housing assistance and to administer the affairs of the commission on homelessness;

§ 5. Upon the effective date of this ordinance any and all residual real, personal and intangible property previously placed under the care, custody and control of the Conservation Commission, the License Commission or any other officer thereof shall remain under their respective care, custody and control, and any and all contractual obligations, unspent appropriations, funds received, and the like, held by either such commission shall be transferred with such commission as provided herein for its use, disposition or reallocation in accordance with law.

§ 6. Nothing herein shall diminish or impair any level of discretion to exercise independent judgment in the public interest as may be vested in any city officer, board or commission under state or federal law.

§ 7. The grant of authority made by these ordinances to any officer, department, division, board or commission of the city, to perform any function, operate any program, provide any service or conduct any activity, shall be deemed to be the fullest grant of public authority as may be authorized by law and, further, recognizing that these ordinances may grant authority to act in the public interest to one or more officer, department, division, board or commission of the city, the grant of authority to any one such officer, department, etc., shall not be deemed to impair or exclude the actions of any other officer, department, division, board or commission similarly authorized.

§ 8. The repeal of the ordinances accomplished by this ordinance shall not apply impair any lawful action taken under authority of the ordinances previously in effect, nor shall repeal or impair any executive order, directive or administrative policy issued by the city manager.

§ 9. Pursuant to Article Ten of the Home Rule Charter, General Laws chapter 43, § 5, and similar provisions of any previous city charter, nothing herein, unless expressly stated herein, shall negate or relinquish any authority granted to any officer, department, division, board or commission of the city by any special act, general law, prior charter provision, or any other legal authority in so far as the same may have provided the basis for the establishment of any city department or agency which is reestablished and continued Under Article Six of the Home Rule Charter or by any provision of any previous version of the Revised Ordinances of the city of Worcester.

§ 10. This ordinance shall, upon adoption in accordance with Article Six of the City Charter, be deemed effective as of July 1, 2011.

§ 11. The city clerk, in consultation with the city solicitor, is hereby authorized to modify the tables of contents, section headings or any other provision of the 2008 Revised Ordinances, Parts One or Two, to properly insert the changes made by this reorganization into the city's revised ordinances and to correct references to the titles of city officials, section numbers and the like.

In City Council August 9, 2011
Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays

A Copy. Attest:

David J. Rushford, Clerk
David J. Rushford
City Clerk

APPENDIX

Article 3. Executive Office of Economic Development

- § 1. Establishment
- § 2. Function
- § 3. Head of the Office
- § 4. Authorized Positions
- § 5. Organization of the Office
- § 6. Administration Division
- § 7. Business Assistance Division
- § 8. Cable Services Division
- § 9. Cultural Development Division
- §10. Housing Development Division
- §11. Neighborhood Development Division
- §12. Planning and Regulatory Services Division
- §13. Workforce Development Operations Division
- §14. Workforce Investment Board Division

Related Boards and Commissions:

- §15. Advisory Committee On Youth
 - §16. Arts Council
 - §17. Cable Television Advisory Committee
 - §18. Conservation Commission
 - §19. Historical Commission
 - §20. License Commission
 - §21. Planning Board
 - §22. Zoning Board of Appeals
-

§ 1. Establishment

Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a department of the city to be known as the “Executive Office of Economic Development” (“office”).

§ 2. Function

It shall be the function of the office to manage and operate economic, business assistance and cultural development, neighborhood development, housing development, workforce development, marketing and planning and regulatory services functions of the city.

§ 3. Head of the Office

(a) *Office Head.* The office shall be headed by a chief development officer (“chief development officer”) who shall be designated by, and serve at the pleasure of, the city manager.

(b) Duties & Responsibilities. The chief development officer shall be responsible for the performance of the functions of the office and shall:

- (13) have management responsibility and general superintendence over the functions, programs, services, operations, activities and facilities of the office;
- (14) supervise the personnel in the office by establishing rules, policies and practices governing the operations of the office; assigning tasks and establishing priorities, deadlines and work schedules; approving requests for vacation leave and other time off; training employees in the specialized tasks of the office; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level including suspensions for no more than five working days;
- (15) keep the city manager informed of the activities and needs of the office and provide the city manager with information developed by the office which would have a material impact on the financial condition of the city;
- (16) seek the advice of the city manager prior to changing any existing policy or initiating any new program or service within the office;
- (17) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the city manager;
- (18) perform such other tasks and functions as may be requested by the city manager;
- (19) ensure that all actions of the office are taken in accordance with all executive orders and administrative directives issued by the city manager, the financial procedures established by the city manager and the city auditor, the provisions of these Revised Ordinances, the Home Rule Charter, the Constitutions and laws of the Commonwealth and the United States of America;
- (20) have care, custody and control of the property, including real property interests, personal property and tangible and intangible property, as has been, or may be, allocated to the office by the city manager and the city council;
- (21) determine the priorities of the office and to prepare long-range strategic plans and objectives consistent with the strategic direction of the city manager;
- (22) prepare, monitor and manage the budget for the office, which shall include ordinary maintenance, salary and capital expenditures, in accordance with the format prescribed and the directives issued by the city manager;
- (23) prepare, implement, evaluate and improve office operations, programs and projects in accordance with the goals and objectives established for the office by the city manager; and,
- (24) administer the executive functions of the Worcester Redevelopment Authority in accordance with the directives of the city manager and the by-laws of that agency.

§ 4. Authorized Positions

(a) Table of Authorized Positions. The office shall consist of the chief development officer and such other personnel as the city council, with the advice of the city manager, shall authorize by adoption of the table of authorized positions in the annual city budget, as the same may be amended from time to time.

(b) Manner of Appointment. Each position in the office shall be filled by appointment of the city manager and each such appointee shall, unless otherwise expressly provided by law, serve at the pleasure of the city manager.

§ 5. Organization of the Office

(a) Establishment of Divisions. The office shall be organized into the following divisions for the following purposes:

Administration Division - to assist the chief development officer in the performance of the duties and responsibilities as the head of the office;

Business Assistance Division - to administer the economic development agenda and programs of the city; to promote, develop and expand investment and employment in the city; to secure the commitment of private capital into new or existing businesses in the city; and, to administer and coordinate all federal, state and local programs involving the preparation of property for real estate development through the remediation or removal of contaminated buildings, soils or substances;

Cable Services Division - to administer the cable television franchise agreement, disburse funds received by that agreement, operate the government access channel and administer the affairs of the cable television advisory committee as established and authorized under these ordinances;

Cultural Development Division - to administer the cultural development agenda and programs of the city; to promote, develop and expand cultural activity in the city; to execute the programs and administer the affairs of the arts council as established and authorized under these ordinances; and ;

Housing Development Division – to develop and administer programs and policies of the city on housing and homelessness;

Neighborhood Development Division – to develop and administer programs to improve the quality of life in the neighborhoods of the city;

Planning & Regulatory Services Division – to provide all city departments with master planning, neighborhood planning and project planning and analysis and to administer, advise and assist the planning board, zoning board of appeals, conservation commission, license commission and historical commission in the performance of their public responsibilities;

Workforce Development Operations Division - to operate one or more comprehensive customer-focused workforce investment and training centers known as “one-stop

career centers” as that term is defined herein and to perform such other functions as may be authorized by federal or state laws or regulations consistent with such operations; and,

Workforce Investment Board Division – to provide administrative support services to the local workforce investment act board as the same is established and regulated by the Workforce Investment Act (Public Law 105-220; see 29 U.S.C. § 2801 *et seq.*, the “Act”), as the Act may be amended or superseded, and to provide the city manager with information and forecasts concerning employment, unemployment, employer needs and economic activity; to coordinate the provision of multiple government-based services and programs to local youth and to collaborate and coordinate with existing non-governmental organizations and agencies.

(b) *Duties & Responsibilities of Division Heads.* In addition to the special duties and responsibilities stated below for each division of the office, the head of each division shall also have the duty and responsibility to:

- (12) assist the chief development officer in the performance of the duties and responsibilities of the head of the office and perform such other duties as may be assigned or requested by the chief development officer or otherwise prescribed by law;
- (13) manage the budget for the division, which shall include all items of revenue and ordinary maintenance, salary and capital expenditures, in accordance with the policies and requirements of the city manager, chief financial officer, the city auditor or the chief development officer;
- (14) supervise the personnel assigned to the division by assigning tasks and establishing work priorities, deadlines and work schedules for employees in the division; training employees in the specialized tasks of the division; evaluating the performance of individual employees in the office, recommending promotions and honors and disciplining personnel at any level authorized by the assistant city manager up to and including suspensions for no more than five working days;
- (15) administer the award and implementation of contracts concerning matters under the responsibility of the division and payable from funds appropriated to the division;
- (16) keep the chief development officer informed of all matters pertaining to the activities, operations, programs, services, personnel, expenditures and receipts of the division;
- (17) recommend to the chief development officer implementing the rules, policies and practices governing the operations of the office as are approved by the chief development officer;
- (18) prepare, implement and evaluate division operations, programs and projects in accordance with the goals and objectives established for the division by the chief development officer;
- (19) ensure that all actions of the division are taken in accordance with all applicable laws, ordinances, regulations, contractual obligations, city executive orders and policies (including the financial procedures

established by the city auditor) and the directives of the chief development officer;

- (20) make recommendations to the chief development officer on changing or initiating any policy, operation, program or service to the public;
- (21) prepare prompt and thorough responses to requests for reports, memoranda, opinions or other documents or actions as may be requested by the chief development officer; and,
- (22) maintain any property assigned to the division by the chief development officer.

(c) *Management of Multiple Divisions.* The chief development officer, with the advice and consent of the city manager, may assign the responsibilities of any two or more divisions to one individual in the service of the office.

§ 6. Administration Division

(a) *Division Head.* The chief development officer shall designate the head of the division who shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties and Responsibilities.* The head of the division shall:

- (5) provide administrative, communications, scheduling, research and support services to the chief development officer;
- (6) manage the processing of payroll, purchasing, contracts, and personnel documentation for the office;
- (7) assist the chief development officer in the performance of his or her duties and responsibilities as the head of the office; and,
- (8) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 7. Business Assistance Division

(a) *Division Head.* The director of business assistance shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The division head shall:

- (8) develop and administer the economic development program of the city;
- (9) attract and guide the investment of private capital into new or existing businesses or properties so as to expand the tax base and employment levels of the city;
- (10) administer the business and economic development laws and programs of the state and federal governments;
- (11) administer and coordinate contracts entered into by the city for business or economic development purposes;

- (12) develop and administer the marketing program of the city and promote Worcester as a place for living, working, and investing;
- (13) develop and administer the environmental remediation programs of the city, including the administration of grants for the remediation of environmental contamination on public or private property; and,
- (14) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 8. Cable Services Division

(a) *Division Head.* The director of cable services shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties and Responsibilities.* The director of cable services shall:

- (7) administer the cable television franchise agreement and monitor the activities of the cable franchise operator;
- (8) after consultation with the cable television advisory committee, make recommendations annually to the chief development officer as to the disbursement the funds received under the cable franchise agreement among the public, educational and government channel operations;
- (9) operate the government access channel on the cable television system so as to provide to the extent possible: A) live cablecasts of the meetings of the city council, committees of the city council, city boards and commissions and other governmental bodies related to the city of Worcester; 2) original content programming providing viewers with information about the operations, issues and decisions involving city of Worcester agencies; and, 3) other programming which is useful to the residents of Worcester and appropriate for broadcast on a government access cable channel;
- (10) coordinate as necessary with the director of technical services to ensure that any institutional network provided under any cable franchise agreement operates properly and meets the technical requirements of the city for the internal transmission of data among city offices;
- (11) administer and keep the records of the cable television advisory committee; and
- (12) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 9. Cultural Development Division

(a) *Division Head.* The cultural development division shall be headed and staffed by such personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The division head shall:

- (4) develop and administer the cultural development program of the city and, in partnership with the Worcester Cultural Coalition, promote Worcester as a place for creative enterprise;
- (5) develop and administer the arts and culture programs of the city as requested by the chief development officer; and,
- (6) perform the duties and responsibilities described in section 5(b)(1-11) above.

§ 10. Housing Development Division

(a) *Division Head.* The director of housing development shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The director of housing development shall:

- (6) administer state and federal grant programs which provide home ownership and housing opportunities and assistance for persons of low and moderate income;
- (7) develop, maintain and implement plans and policy recommendations on all aspects of housing and homelessness, including (i) the relocation of individuals and families displaced from their housing due to code or housing enforcement or other actions of the city; (ii) conduct periodic reviews of the needs of homeless individuals and families; (iii) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving homelessness programs and services; and, (iv) administer, assist and serve as the keeper of the records of the Commission on Homelessness;
- (8) attend various neighborhood and community group meetings as directed by the chief development officer;
- (9) process applications for grants from federal, state and private sources to be expended for housing and related needs by the department or by other appropriate city agencies for the public purposes for which those agencies have been established and organized under law; and,
- (10) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Grants and Program Activities.* When directed by the city manager, the division shall be authorized to monitor the implementation of any grant received and, in so doing to charge the grant proceeds with any administration fee authorized by law. The division shall not be the recipient of the proceeds of any grant awarded through the performance of its duty to process applications for grants from federal, state and private sources unless such grant provides funds for a programmatic activity under the responsibility of the office and the expenditure of such grant proceeds is approved by the city manager.

§ 11. Neighborhood Development Division

(a) *Division Head.* The director of neighborhood development shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The director of neighborhood development shall:

- (9) administer the community development block grant program in accordance with the entitlements and requirements of the Housing and Community Development Act of 1974, 42 U.S.C. 5301 et seq., as amended, and the regulations adopted under authority thereof at 24 C.F.R. 570. (see, 24 C.F.R. 507.206);
- (10) administer state and federal grant programs which provide neighborhood opportunities and assistance;
- (11) develop policy recommendations on neighborhood improvements and administer such policies as directed by the chief development officer;
- (12) ensure that residents enjoy the full advantage of neighborhood programs involving community policing, local law enforcement, crime watch initiatives, clean city initiatives, community health, elder services, basic family preservation services; and enhanced neighborhood quality of life;
- (13) attend various neighborhood and community group meetings as directed by the chief development officer;
- (14) perform planning, urban environmental design and policy-planning-management-capacity building activities under the community development block grant program (see, 24 C.F.R. 507.205) to the extent those activities are consistent with the neighborhood and housing development functions of the division;
- (15) process applications for grants from federal, state and private sources to be expended for housing and related needs by the department or by other appropriate city agencies for the public purposes for which those agencies have been established and organized under law; and,
- (16) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Grants and Program Activities.* When directed by the city manager, the division shall be authorized to monitor the implementation of any grant received and, in so doing to charge the grant proceeds with any administration fee authorized by law. The division shall not be the recipient of the proceeds of any grant awarded through the performance of its duty to process applications for grants from federal, state and private sources unless such grant provides funds for a programmatic activity under the responsibility of the office and the expenditure of such grant proceeds is approved by the city manager.

§ 12. Planning and Regulatory Services Division

(a) *Division Head.* The director of planning and regulatory services (“director”) shall head the division and shall have the assistance of such other personnel as shall be assigned by the chief development officer.

(b) *Duties & Responsibilities.* The director shall:

- (6) provide the city manager and such other officers, employees, boards and commissions of the city as directed by the city manager or otherwise by law, with advice on planning and land use policy in the city by:
 - (iv) performing the planning, urban environmental design and policy-planning-management-capacity building activities prescribed in the community development block grant program (see, 24 C.F.R. 507.205) to the extent those activities are consistent with the land use planning and economic development functions of the office;
 - (v) maintaining the official map of the city in accordance with the laws of the commonwealth; and,
 - (vi) maintaining an accurate copy of the zoning map in accordance with the zoning ordinance;
- (7) provide the chief development officer with recommendations on useful changes to the official map of the city or the zoning map or zoning ordinance of the city;
- (8) administer the affairs of the performance of any and all functions as may be lawfully delegated by any board or commission of the city to the director of planning and regulatory services; and,
- (9) serve as the clerk and keeper of the records of the conservation commission, historic commission, license commission, planning board and zoning board of appeals; and,
- (10) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Delegation of Duties to the Chief Planner.* The director may delegate any duty, responsibility or authority vested in that position by these ordinances, or any other law, to the chief planner.

(d) *Planning & Urban Environmental Design Activities.* In performing the planning, urban environmental design and policy-planning-management-capacity building activities under the community development block grant program (see, 24 C.F.R. 507.205), the director may gather data, conduct studies and analysis and otherwise prepare the following plans: comprehensive plans; community development plans; and, functional plans in areas such as economic development, land use and urban environmental design, housing, open space and recreation, energy use and conservation, floodplain and wetlands management, transportation, utilities, historic preservation.

(e) *Official Map.* The official map of the city shall contain only those public ways, private ways and parks as authorized by section 81E of chapter 41 of the General Laws. The director shall keep a true and accurate copy of the official map and is hereby authorized to certify as true copies and issue the official map of the city or any portion thereof. The director shall revise the official map with lines or notations showing proposed, new, altered,

relocated or discontinued public ways and new, altered or discontinued boundaries of parks and playgrounds, as may from time to time result from any action of the city council or otherwise by operation of law. The director, either directly or through subordinates, shall cause all changes or additions to the official map to be recorded in the Worcester District Registry of Deeds and filed with the city clerk and the state agency designated by statute to receive said filings.

(f) *Zoning Map.* The director shall maintain a true and accurate copy of the zoning map of the city, as the same may be amended from time to time by action of the city council, and shall, either directly or through subordinates, certify as true copies and issue the zoning map of the city or any portion thereof. The director shall revise the zoning map to show changes made by any amendments to the zoning ordinance adopted by the city council or otherwise by operation of law. The director, either directly or through subordinates, shall cause all amendments to the zoning map to be recorded in the Worcester District Registry of Deeds and filed with the city clerk.

§ 13. Workforce Development Operations Division

(a) *Division Head.* The director of workforce development operations shall head the division and shall have the assistance of such personnel as shall be assigned by the chief development officer. Unless otherwise required by law, the director shall be appointed by and serve at the pleasure of the city manager.

(b) *Duties & Responsibilities.* The director of workforce development operations shall:

- (6) operate in accordance with all applicable laws and regulations one or more one-stop career centers as may be designated or certified from time to time by the local workforce investment board established under the Workforce Investment Act (Public Law 105-220, August 7, 1998, 112 Stat. 936; *see* 29 U.S.C. § 2801 *et seq.*; the “Act”), as the Act may be amended or superseded by subsequent federal legislation, and such other state laws or regulations implementing the Act. For purposes of this section, a “one-stop career center” shall be a comprehensive customer-focused workforce investment and training center which: 1) uses information and high quality services to provide people with access to the tools they need to manage their careers and companies with access to appropriately skilled workers; 2) qualifies as a “one-stop operator” under the Act and the requirements of the commonwealth in the implementation of the Act (*see* 29 U.S.C. § 2864(c)); and, 3) is designated or certified as a one-stop partner by the local workforce investment board (*see* 29 U.S.C. § 2841(d));
- (7) direct, control, supervise and discipline the staff of the one-stop career centers operated by the division and in doing so report directly and solely to the chief development officer;
- (8) exercise such authority as may be provided to the chief administrative official of a one-stop career center by the Act or any federal or state law regarding employment, education and training programs;

- (9) administer and manage the operations, programs and activities of the division under the general superintendence of the chief development officer; and,
- (10) to the extent not prohibited by the Act or any other federal or state law involving the employment and training of individuals, perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Fiscal Agent.* In the event that the city manager designates the workforce development operations division to be the local fiscal agent or local grant subrecipient under 29 U.S.C. § 2832(d)(3)(B)(II), the director of workforce development operations shall provide such services in accordance with 29 U.S.C. § 2832(d)(3)(B)(III).

§14. Workforce Investment Board Division

(a) *Division Head.* Whenever the local workforce investment board (as defined below) shall determine to employ individuals in the employ of the city of Worcester as its staff, the city manager shall appoint a director of workforce investment board who shall head this division and shall have the assistance of such personnel as shall be assigned by the chief development officer. Unless otherwise provided by law or in any agreement or memorandum of understanding between the city and the local workforce investment board, the director shall be appointed by and serve at the pleasure of the city manager.

(b) *Duties & Responsibilities.* The director of the workforce investment board shall:

- (10) provide executive staffing services to the local workforce investment board (“board”) established under the Workforce Investment Act (Public Law 105-220, August 7, 1998, 112 Stat. 936; *see* 29 U.S.C. § 2801 *et seq.*; the “Act”), as the Act may be amended or superseded by subsequent federal legislation, and such other state laws or regulations implementing the Act;
- (11) act under the auspices of any agreement or memorandum of understanding between the city and the board concerning the employment of staff by the board;
- (12) exercise such authority within the service delivery area which includes the city as may be provided by the Act or any federal or state law regarding employment, education and training programs, including planning, contract development and negotiation, monitoring and evaluation, management information system maintenance and program and fiscal management;
- (13) direct, control, supervise and discipline such subordinate staff of the local workforce investment board as either the board may employ or the city manager may appoint in accordance with the personnel policies and practices of the city (or such other policies and practices as established by the board and approved by the city manager) and in doing so report solely to the board and the chief development officer;
- (14) provide the city manager with information and forecasts concerning employment, unemployment, employer needs and economic activity;

- (15) keep the city manager advised on employment matters, including the Worcester area job market, existing proposed programs, federal and state legislation on employment, and employment trends;
- (16) provide advice and counsel to city agencies on employment, education and training planning matters;
- (17) perform such other duties as may be requested by the city manager or the board consistent with the above; and,
- (18) perform the duties and responsibilities described in section 5(b)(1-11) above.

(c) *Fiscal Agent.* In the event that the city manager designates the board to be the local fiscal agent or local grant subrecipient under 29 U.S.C. § 2832(d)(3)(B)(II), the director of the workforce investment board shall provide such services in accordance with 29 U.S.C. § 2832(d)(3)(B)(III).

(d) *Restrictions.* The director of the workforce investment board shall not, either directly or through subordinate staff, provide core services as described in 29 U.S.C. § 2864(d)(2) or intensive services described in 29 U.S.C. § 2864(d)(3), or otherwise operate a one-stop career center as described above in 29 U.S.C. § 2864(c), without the approval of the governor and the city manager or engage in any other activity concerning employment, education and training programs and projects which is prohibited by the Act or any law, regulation or guideline issued by the commonwealth of Massachusetts in these matters.

(e) *Youth Opportunities Office.* The workforce investment board division shall also include a youth opportunities office which shall be headed by a youth director, who shall be appointed by and serve at the pleasure of the city manager and shall have the assistance of such personnel as shall be assigned by the chief development officer.

(f) *Duties and Responsibilities.* The youth director shall:

- (9) identify and coordinate the provision of multiple government-based services and programs to local youth and collaborate and coordinate with existing non-governmental organizations and agencies, the business community and service providers involving youth programs, employment and services;
- (10) identify and coordinate various governmental and non-governmental funding sources for youth programs, employment and services;
- (11) assist the City Manager's Advisory Committee on Youth in the creation and updating of an *Agenda for Youth*, a five-year plan containing recommendations for jobs, programs, services and initiatives to benefit youth;
- (12) assist the City Manager's Advisory Committee on Youth in the development of performance measurements and benchmarking criteria to quantify the impact of youth programs;
- (13) assist the City Manager's Advisory Committee on Youth in the development of recommendations to the city manager on legislative initiatives for the benefit of youth;

- (14) advise the city manager and the City Manager's Advisory Committee on Youth on matters affecting youths;
- (15) administer and keep the records of the City Manager's Advisory Committee on Youth; and,
- (16) perform the duties and responsibilities described in section 5(b)(1-11) above.

§15. Advisory Committee On Youth

(a) *Establishment of the City Manager's Advisory Committee on Youth.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the "City Manager's Advisory Committee on Youth" ("committee").

(b) *Membership of the City Manager's Advisory Committee on Youth.* The committee shall consist of fifteen regular members appointed by the city manager for terms of three years, which terms shall be staggered such that no more than five terms shall expire on December thirty-first of each year. The city manager shall designate from the membership of the committee a chair and vice-chair. The members of the committee shall consist of representatives of representatives of the following agencies and entities or, in the event that such agencies or entities are unable to provide representatives, the city manager may select individuals from other organizations as he or she deems appropriate to further the purposes of this provision:

- (16) Common Pathways;
- (17) HOPE Coalition;
- (18) Worcester Interfaith, Inc.;
- (19) Greater Worcester Community Foundation, Inc.;
- (20) Worcester Regional Chamber of Commerce;
- (21) Colleges of Worcester Consortium, Inc.;
- (22) UMASS Memorial Hospitals, Inc.;
- (23) United Way of Central Massachusetts, Inc.;
- (24) Pride Productions, Inc.;
- (25) Worcester Community Action Council, Inc.;
- (26) Central Massachusetts Workforce Investment Board, Inc.;
- (27) Y.O.U, Inc.
- (28) Boys & Girls Club; Boys and Girls Club of Worcester, Inc.;
- (29) Young Women's Christian Association of Central Massachusetts;
- (30) Young Men's Christian Association of Greater Worcester.

(c) *City Representatives of the City Manager's Advisory Committee on Youth.* The city manager may also assign representatives from any city agency under the jurisdiction of the city manager, including the Worcester Department of Public Works and Parks, the Worcester Police Department and the Human Resources Division of the city of Worcester, Workforce Development Operations Division, Workforce Investment Board Division, to

serve on the committee ex officio as associate members. The city manager may also request the superintendent of the Worcester Public Schools to assign a member of that department to serve as an associate member of the committee.

(d) *Duties & Responsibilities of the City Manager's Advisory Committee on Youth.* The committee shall:

- (7) assist the youth director in identifying government and non-governmental based programs, employment and services for local youth;
- (8) create, adopt and periodically update a five-year plan to be known as the "Agenda for Youth" which shall contain recommendations for jobs, programs, services and initiatives to benefit youth;
- (9) assist the youth director in the development of performance measurements and benchmarking criteria to quantify the impact of youth programs;
- (10) assist the youth director in the development of recommendations to the city manager on legislative initiatives for the benefit of youth;
- (11) advise the youth director and the city manager on matters affecting youths;
- (12) provide the city manager an annual report stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the matters under its jurisdiction.

§16. Arts Council

(a) *Establishment of the Arts Council.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the "Arts Council" ("Arts Council").

(b) *Membership of the Arts Council.* The arts council shall consist of nine members who shall be appointed by the city manager for a term of three years. The terms shall be staggered such that three terms expire on December thirty-first of each year. The city manager shall from time to time designate one of the members of the arts council as its chair.

(c) *Duties & Responsibilities.* The arts council shall:

- (7) promote the cultural affairs of the city;
- (8) conduct studies and research and publish reports on cultural activities;
- (9) cooperate with federal and state cultural agencies;
- (10) advise municipal agencies of cultural matters;
- (11) allocate any funds received by the arts council for cultural projects, programs or activities in accordance with law; and,
- (12) perform such other duties as may be prescribed by law.

§17. Cable Television Advisory Committee

(a) *Cable Television Advisory Committee.* Under authority of Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager an advisory board of the city to be known as the “Cable Television Advisory Committee” (“committee”).

(b) *Membership of the Cable Television Advisory Committee.* The committee shall consist of seven persons appointed by the city manager for three year terms. The terms shall be staggered such that no more than two terms shall expire on December thirty-first of any year. The city manager shall designate from the membership of the committee a chair and vice-chair.

(c) *Duties & Responsibilities of the Cable Television Advisory Committee.* The committee shall:

- (9) advise and assist the city manager in the performance of the duties and responsibilities vested in the city manager by law as the licensing authority for cable television franchises in the city;
- (10) provide advice concerning public, governmental, educational, and other access programming on cable television;
- (11) meet periodically with the licensee, concerning matters of interest between the licensee, the public, the city manager as issuing authority, and the city;
- (12) report to the city manager regarding compliance by the licensee with the terms and conditions of the license, and to provide advice concerning the same;
- (13) render advice and suggestions concerning local, educational and governmental origination programming;
- (14) supervise the licensee's manner of responding to, and of resolving, complaints by members of the public;
- (15) respond to inquiries by members of the public regarding cable television matters; and,
- (16) provide the city manager an annual report stating the undertakings of the committee, its accomplishments, conclusions and recommendations concerning the cable television matters under its jurisdiction.

§ 18. Conservation Commission

(a) *Establishment of Conservation Commission.* Under authority of General Laws chapter forty, section eight C, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager a regulatory board of the city to be known as the “Conservation Commission”.

(b) *Membership.* The conservation commission shall consist of seven members who shall be appointed by the city manager for a term of three years. The terms shall expire on September thirtieth of each year and shall be staggered such that two terms expire each year for two years and three terms shall expire every third year.

(c) *Duties & Responsibilities.* It shall be the duty and responsibility of the conservation commission to perform all duties prescribed by General Laws, chapter forty, section eight C; the city wetlands ordinance, and, all such other duties as may be prescribed by law.

§19. Historical Commission

(a) *Establishment of the Historical Commission.* Under authority of General Laws, chapter forty C, sections four and fourteen, and chapter forty, section eight D, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager an executive board of the city to be known as the “Historical Commission” (“commission”).

(b) *Establishment of Massachusetts Avenue & Montvale Historic Districts.* Under authority of General Laws, chapter forty C, section three, there are hereby established historic districts to be known as the “Massachusetts Avenue Historic District” and the “Montvale Historic District”, both being shown on maps bearing their respective titles and on file with the city clerk and made a part hereof.

(c) *Membership of the Historical Commission.* The commission shall consist of six regular members and two alternates appointed for terms of three years by the city manager in accordance with the requirements of the city charter and the provisions of this section. The terms shall be staggered such that two terms of regular members shall expire every December thirty-first. The terms of alternate members shall be staggered such that the terms shall expire on December thirty-first on successive years and none shall expire every third year. One member shall be a resident of the Massachusetts Avenue Historic District and one member shall be a resident of the Montvale Historic District. All members and alternates shall have demonstrated a special interest, competence or knowledge in historic preservation. To the extent available in the charter appointment districts, members of the commission shall be professionals in the disciplines of architecture, history, architectural history, prehistoric archaeology, historic archaeology, urban planning, American studies, American civilization, cultural geography and cultural anthropology. In case of absence, inability to act or unwillingness to act because of self-interest on the part of any member of the commission, his or her place shall be taken by an alternate member designated by the chair.

(d) *Duties & Responsibilities of the Historical Commission.* To preserve, promote and develop historic assets of the city in accordance with law, the commission shall:

- (13) administer the Massachusetts Avenue Historic District and the Montvale Historic District, and any additional historic districts lawfully established, consistent with General Laws;
- (14) issue certificates of appropriateness, certificates of nonapplicability, and certificates of hardship with respect to construction or alteration of buildings and structures within the historic district when such construction or alteration affects exterior architectural features. Such certificates shall be issued as prescribed in the General Laws, chapter forty C, section six;
- (15) consider factors as prescribed in General Laws, chapter forty C, section seven, in passing upon matters before it;
- (16) issue such certificates, make such recommendations, keep such records and have such powers, functions and duties as are prescribed in General

Laws, chapter forty C, section ten, except that officers and employees necessary for the proper administration of the commission shall be appointed and removed by the city manager in accordance with the city charter; and all gifts shall be subject to approval of the city manager and city council;

- (17) call and conduct meetings and to hold such public hearings as are prescribed in General Laws, chapter forty C, section eleven;
- (18) conduct research for places of historic value, to coordinate the activities of unofficial bodies organized for similar purposes, to advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work, and to make such recommendations as are described in General laws, chapter forty C, section eight D;
- (19) propose from time to time to the city manager as it deems appropriate, the establishment in accordance with the provisions of this Article and the General Laws, chapter forty C, section three, of additional historic districts and changes in historic districts;
- (20) determine an appropriate system of markers for selected historic sites and buildings not already sufficiently marked, to arrange for preparation and installation of such markers, and to arrange for the care of historic markers;
- (21) advise the redevelopment authority, planning board and any other city department or agency in matters involving historic sites and buildings;
- (22) cooperate with and enlist assistance from the National Park Service, the National Trust of Historic Preservation, and other agencies, public and private, concerned with historic sites and buildings;
- (23) advise owners of historic buildings in Worcester on problems and solutions of preservation; and
- (24) perform such other duties as may be prescribed by law.

(e) *Advisory Board to the Historical Commission.* The commission may recommend to the city manager from time to time as needed, appointment of advisory committees of historians and persons experienced in architecture or other arts or in historic restoration or preservation to assist the commission.

(f) *Rules & Regulations of the Historical Commission.* The commission, under the authority of General Laws, chapter forty C, shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of chapter forty C and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business.

(g) *Maintenance & Repair of Properties Under the Jurisdiction of the Historical Commission.* Nothing herein shall be construed to prevent the ordinary maintenance and repair of buildings, structures or grounds within the district nor prevent actions by duly authorized public officers as described in General Laws chapter forty C, section nine.

(h) *Appeals from Decisions of the Historical Commission.* Any applicant aggrieved by a determination of the commission may file a written request with the commission for review by person or persons of competence and experience in such matters designated by the Central Massachusetts Regional Planning Commission as prescribed in the General Laws, chapter forty C, section twelve, and may further appeal such determination to the superior court as prescribed in the General Laws, chapter forty C, section twelve A.

§ 20. License Commission

(a) *Establishment of the License Commission.* Under authority of chapter 461 of the Acts of 1914 and section fifty-four of chapter 444 of the Acts of 1893, and Article Six of the Home Rule Charter, there is hereby established under the jurisdiction of the city manager a regulatory commission of the city to be known as the "License Commission" ("commission").

(b) *Membership.* The commission shall consist of three persons, residents of the city, who shall be appointed by the city manager. The members of the commission shall serve terms of four years, which shall begin on January first and end on December thirty-first four years hence, and shall be staggered as such that no two terms shall expire at the same time. Vacancies shall be filled for the unexpired portion of the term vacated. The city manager shall annually designate one member of the commission as its chair.

(c) *Duties & Responsibilities.* The commission shall have the duty and responsibility to:

- (10)perform all actions and issue licenses authorized by chapter one hundred thirty eight of the General Laws relative to the sale of alcoholic beverages, wines or malt beverages;
- (11)establish reasonable fares for the conveyance of passengers in taxicabs, liveries, or any other truck, wagon or vehicle licensed under these Revised Ordinances;
- (12)conduct hearings and decide questions of the revocation of any taxicab, livery or other vehicle license issued under these Revised Ordinances;
- (13)perform all actions and issue any other license required by the General Laws to be issued by a local license commission;
- (14)organize multi-agency enforcement teams and to participate with personnel from other city agencies in joint inspection teams which may be established by the city manager;
- (15)hear all appeals on decisions made by any licensing authority concerning any license issued under chapter eleven of these Revised Ordinances;
- (16)perform all duties required of it by any other provision of these Revised Ordinances;
- (17)perform any function or take any other action prescribed or authorized by law concerning the issuance of licenses by local licensing authorities; and,
- (18)make and issue rules and regulations in accordance with law for the conduct of its affairs.

§21. Planning Board

(a) *Establishment of the Planning Board.* Under authority of General Laws, chapter forty-one, section eighty-one A, and Article Six of the Home Rule Charter there is hereby established under the jurisdiction of the city manager a regulatory board of the city to be known as the “Planning Board”.

(b) *Membership of the Planning Board.* The planning board shall consist of five members appointed by the city manager for a term of five years such that one term shall expire on May thirty-first of each year.

(c) *Duties & Responsibilities of the Planning Board.* It shall be the duty and responsibility of the planning board to exercise the authority granted to it by the subdivision control law, and any other applicable general or special law, and the city wetlands ordinance, and any other applicable city ordinance.

§22. Zoning Board of Appeals

(a) *Establishment of the Zoning Board of Appeals.* Under authority of Article Six of the Home Rule Charter and General Laws chapter forty A, section twelve, there is hereby established under the jurisdiction of the city manager a regulatory board of the city to be known as the “Zoning Board of Appeals” (“zoning board”).

(b) *Membership of the Zoning Board.* The zoning board shall consist of five members appointed by the city manager for terms of five years. The terms of such members shall be staggered such that one term shall expire on December thirty-first of each year. The members so appointed shall be designated regular members at the time of their appointment.

(c) *Associate Members of the Zoning Board.* The city manager shall also appoint two individuals to serve as associate members of the zoning board. The terms of associate members shall be five years and shall expire on December thirty-first. The associate members terms shall be staggered such that the term of the second associate member shall expire on the December thirty-first two years after the expiration of the term of the first associate member.

(d) *Duties & Responsibilities of the Zoning Board.* The zoning board shall:

- (7) hear and decide land use matters properly brought before it under the zoning ordinance of the zoning act, G.L. chapter forty A;
- (8) carry-out the duties and responsibilities vested in the zoning board by the city zoning ordinance;
- (9) exercise the jurisdiction provided by section eighty-one Z of chapter forty-one of the General Laws;
- (10) adopt rules not inconsistent with the zoning ordinance for the conduct of its business and to file a copy of its rules, together with any amendments as they are adopted, with the city clerk;
- (11) elect annually a chair from one of its regular members; and,

- (12) perform such other duties as may be prescribed by law.